

An Act respecting Joint Stock and other Companies.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as *The Ontario Companies Act*. Short title.
R.S.O. cap. 191, s. 1.

This Act should more correctly be styled *The Ontario Corporations Act*. The word "corporation" is used in "The Loan Corporations Act" and to avoid confusion the former style of the Act is retained.

2. The word "corporation" shall include a company Interpretation
with capital divided into shares. *New.*

This Act covers companies without share capital, as well as companies with capital divided into shares. The word "corporation" is intended to embrace both classes of companies, and the word "company" only such as have capital divided into shares.

PART I.

INCORPORATION, RE-INCORPORATION, AMALGAMATION.

3. The Lieutenant-Governor may, by letters patent, grant a charter to any number of persons, not less than five, of the full age of twenty-one years, who petition therefor, creating and constituting such persons and any others who have or may thereafter become subscribers to the memorandum of agreement hereafter referred to, a body corporate and politic with or without capital divided into shares, for any of the purposes or objects to which the legislative authority of the Legislature of Ontario extends, except the construction and working of railways within the Province of Ontario, the business of insurance, and the business of a loan corporation within the meaning of *The Loan Corporations Act*. R.S.O. cap. 191, s. 9 amended.

Corporations formed for certain purposes may be incorporated by letters patent.

Patterson v. Turner, 3 O.L.R. 373; Rielle v. Reid, 28 O.R. 497, 26 A.R. 54.

This section changes the mode of issue of Letters Patent. Under the former Act an Order in Council was required. Here only an order of the Lieutenant-Governor, on recommendation of the Provincial Secretary. The words "of the full age of twenty-one years" is taken from section 10 of the old Act and inserted in this section in order to avoid repetition in sections 4 and 5.

The words "within the Province of Ontario" are retained in this section, because they appear to have been added by special amendment. The Act may not directly authorize any act without the Province, and the construction of railways within the Province is covered by the *Railway Act*. The object of these words may be better served by including in the powers of the company one which may enable it to construct and operate railways on lands owned or controlled by the company.

4.—(1) The applicants for incorporation of a company with capital divided into shares, may petition the Lieutenant-Governor, through the Provincial Secretary, for the grant of Letters Patent. The petition of the applicants shall show:

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| Name. | (a) The proposed corporate name of the company; |
| Object. | (b) The objects for which the company is to be incorporated; |
| Head office. | (c) The place within the Province of Ontario where the head office of the company is to be situated; |
| Capital. | (d) The amount of the capital stock of the company, the number of shares, and the amount of each share; |
| Names of applicants. | (e) The name in full, the place of residence and the calling of each of the applicants; |
| Directors. | (f) The names of the applicants, not less than three, who are to be the provisional directors of the company. |
| Form of Petition. | (2) The petition may be similar to, but in its essential features shall comply with, Schedule "A" to this Act, and shall be accompanied by a memorandum of agreement, executed in duplicate, which may be similar to, but which shall in its essential features comply with, Schedule "B" to this Act. |
| Memo. of agreement. | |
| Petitioners to be <i>bona fide</i> holders for shares. | (3) Each petitioner shall be the <i>bona fide</i> holder in his own right of the share or shares for which he has subscribed in the memorandum of agreement. |

Re Collingwood Dry. Dock Co., 20 Ont. 107; re Whitehead, 1900, 1 ch. 814.

(4) The petition may ask to have embodied in the letters patent any provision which, otherwise under this Act might be embodied in any by-law of the company when incorporated. R.S.O. cap. 191, s. 10, *amended*.

This section is largely the same as former section 10. It relates only to companies with share capital. The provisions of former subsection (a) relating to the name are inserted in section 27 Part II. of the Act, where all provisions regarding the names of

companies are included. The provisions of subsection (c) relating to the place where the books of account are to be kept do not appear to be imperative, and special provisions in this respect are set out in section 105. This is rendered more necessary on account of the section which enables a company to hold its meetings out of the Province. Former subsections (d) and (e) are included in subsection (d). Subsection (e) is former subsection (f) without change. Former subsection (g) is slightly changed in subsection (f). There was a difference of opinion in interpreting the former Act whether the number of directors should be the same as the number of provisional directors. It is arbitrary, and to avoid confusion the number is made the same by section 73.

Subsection (2) is the same as that subsection of the former Act. Subsection (3) of the former Act is struck out. It attempted to place certain duties upon the Provincial Secretary which in practice it has been found impossible to perform. It is thought that the object intended to be served by this subsection can be more efficiently obtained under the provisions of Part VII. of the Act, which relates to prospectus. Subsection (3) is subsection (4) of former Act without change. Subsection (4) is subsection (5) of former Act without change.

5.—(1) The applicants for the incorporation of a corporation or association not having share capital may petition the Lieutenant-Governor through the Provincial Secretary for the Grant of Letters Patent. The petition of the applicants shall show :

Petition for
incorporation
without share
capital.

- (a) The proposed corporate name of the corporation or association;
- (b) The objects for which the corporation or association is to be incorporated;
- (c) The place within Ontario where its objects are to be carried out;
- (d) The name in full, the place of residence and the calling of each of the applicants;

(2) The petition may be similar to, but in its essential features shall comply with, Schedule "C" to this Act.

(3) The petition shall be accompanied by a memorandum of agreement signed by the petitioners setting out such regulations as may be deemed expedient—(1) for the selection of members, trustees, directors and officers; (2) for the holding of meetings of members, trustees and directors; (3) for the establishment of branches; (4) for the payment of directors, trustees, officers and employees; (5) for the control and management of the affairs of the corporation. The memorandum shall be expressed in separate paragraphs numbered consecutively. The memorandum may be similar to Schedule "D" to this Act, and the petitioners may adopt all or any of its provisions or substitute others in lieu thereof. *New.*

Memorandum
of agreement.

This section is new. It provides for the incorporation of companies and associations which were formerly incorporated under *The Act respecting Benevolent, Provident and other Societies*, and it is submitted that companies formerly incorporated under *The*

Act respecting Cheese and Butter Manufacturing Associations and Companies and The Act respecting Co-operative Associations may be more readily incorporated under this section. Many of the sections of the Act relate to companies without share capital as well as those with shares—for instance, Part II. relating to names of companies. Part V. relating to debentures, Part IX. relating to books, inspection and auditors. It is proposed that the memorandum of agreement in each particular case should supplement the parts of the Act mentioned in respect of meetings, directors and their duties, etc. It is proposed that incorporation under this section should be at a reduced fee, and that common forms of the memorandum should be prepared by the Department for distribution to persons proposing to incorporate Butter and Cheese Companies and Co-operative Associations. This section will facilitate the incorporation of many charitable and other companies which formerly required a special Act of the Legislature.

Change of
name or terms
of application.

6. The Lieutenant-Governor on any application for Letters Patent or Supplementary Letters Patent may direct the issue of the same giving a different name to the corporation than that applied for and changing the objects or other provisions or terms. *New.*

This section is based upon section 14 of the former Act, and extends its scope to applications for Supplementary Letters Patent and other changes than those formerly provided for, which in the practice of the Department are considered advisable.

Creation of
capital of
corporation
without share
capital.

7. Any corporation without share capital heretofore or hereafter incorporated may provide for and create a capital divided into shares upon the consent in writing of all the members of such corporation and may provide for the allotment and payment of such shares and fix and prescribe the rights and privileges of the shareholders therein; Provided, however, that no such creation of capital divided into shares shall be deemed valid or be acted upon until the same has been confirmed by letters patent. *New.*

This section is new and its object is apparent. Heretofore many companies without gain for their object were incorporated on an undertaking that any profit would be utilized to further the objects of the company. In many cases it was found necessary to obtain Supplementary Letters Patent to relieve the company of this undertaking and enable it to distribute profits to its members. Both transactions appear anomalous, and may more logically be performed under the provisions of section 5 and this section.

Amalgamation
of corporations.

8.—(1) Any two or more corporations incorporated under the laws of this Province, and having the same or similar objects within the scope of this Act, may, in the manner herein provided, amalgamate, and may enter into all contracts and agreements necessary to such amalgamation.

Joint agree-
ment between
directors pro-
posing to
amalgamate,
etc.

(2) The corporations proposing to amalgamate as aforesaid, may enter into a joint agreement for the amalgamation, prescribing the terms and conditions thereof, the mode of carrying the same into effect, the name of the new corporation, the number and names of the first directors thereof, and how and when the after directors shall be

elected, with such other details as may be necessary to perfect the amalgamation and the after management and working thereof, and in cases of companies having capital divided into shares the number of shares of the capital, the amount of par value of each share, and the manner of converting the share capital of each of the said corporations into that of the new corporation.

(3) The agreement shall be submitted to the shareholders or members of each of the said corporations at a general meeting thereof, held separately for the purpose of taking the same into consideration.

To be submitted to shareholders or members of each corporation.

(4) At such meetings of shareholders or members the agreement shall be considered, and if two-thirds of the votes of all the shareholders or members of each of such corporations are for the adoption of the agreement, then that fact shall be certified upon the agreement by the secretary of each of such corporations under the corporate seal thereof; and if the agreement is so adopted at the respective meeting of the shareholders or members of each of the said corporations, the corporations by their joint petition may, through the Provincial Secretary, apply to the Lieutenant-Governor for Letters Patent confirming the said agreement, and on and from the date of the said Letters Patent the said corporations shall be deemed and taken to be amalgamated and to form one corporation by the name in the said agreement and Letters Patent provided, and the amalgamated corporation shall possess all the properties, real, personal and mixed, rights, privileges and franchises and be subject to all the liabilities, contracts, disabilities and duties of each of the corporations so amalgamated. R.S.O. cap. 191, s. 103, ss. 1, 2, 3, 4, *amended*.

This section is the same as section 103, subsections 1, 2, 3, 4, with verbal changes to enable it to cover not only companies with share capital but other corporations.

9. Any corporation incorporated for purposes or objects within the scope of this Act, whether under a special or general Act, and being at the time of its application a subsisting and valid corporation, may apply for letters patent under this Act; and the Lieutenant-Governor may grant Letters Patent incorporating the shareholders or members of the said corporation as a corporation under this Act. R.S.O. cap. 191, s. 104.—1, *in part*.

Re-incorporation of corporation.

This is former section 104, subsection 1, in part. That part relating to advertising the application is omitted. This is provided by section 25, subsection d. Sections 11 and 12 cover the last part of section 104, subsection 1, which is in effect a repetition of section 103, subsections 6 and 7.

10. Where an existing corporation applies for the issue of Letters Patent under the provisions of the preceding section, the Lieutenant-Governor may, by Letters Patent, extend the powers of the corporation to such other objects within the scope of this Act as the applicant desires, name

Extension of powers on re-incorporation.

the first directors of the new corporation, and give to the new corporation the name of the old corporation or any other name. R.S.O. cap. 191, s. 105, *amended*.

This is section 105 with surplusage cut out and an evident mistake corrected.

Rights of
creditors pre-
served.

11. All rights of creditors against the property, rights and assets of a corporation amalgamated or re-incorporated under the provisions of this Act, and all liens upon the property, rights and assets of such corporation, shall be unimpaired by such amalgamation, or re-incorporation, and all debts, contracts, liabilities and duties of such corporations shall thenceforth attach to the amalgamated or re-incorporated corporation and may be enforced against it to the same extent as if the said debts, contracts, liabilities and duties had been incurred or contracted by it. R.S.O. cap. 191, s. 103, ss. 6, *amended*.

This is section 103, subsection 6, made applicable to all companies amalgamated or re-incorporated.

No action to
abate.

12. No action or proceeding by or against the said corporations so amalgamated or re-incorporated shall abate or be affected by such amalgamation or re-incorporation, but for all the purposes of such action or proceeding, such corporation may be deemed still to exist, or the new corporation may be substituted in such action or proceeding in the place thereof. R.S.O. cap. 191, s. 103, ss. 7, *amended*.

This is section 103 subsection 7 made applicable to all companies amalgamated or re-incorporated.

Supplementary
letters patent
for certain pur-
poses.

13. Any corporation may from time to time pass by-laws by a vote of not less than two-thirds in value of those shareholders or members present in person or by proxy at a general meeting of the corporation duly called for considering the subject of such by-laws authorizing an application by petition to the Lieutenant-Governor, to direct the issue of supplementary letters patent to the corporation, embracing any or all of the following matters:

Varying
capital stock.

(a) Increasing or decreasing the capital; provided, however, that the capital of a company shall not be increased until ninety per centum thereof has been subscribed and ten per centum paid thereon, and further provided, that on a reduction of the capital of a company the liability of shareholders to persons who at the time of such reduction are creditors of the company shall remain as though the reduction had not been made.

Re-
dividing
shares.

(b) Redividing the capital of the company into shares of smaller or larger amount;

- (c) Extending the powers of the corporation to any objects within the scope of this Act which the corporation may desire; Extending powers.
- (d) Limiting or increasing the amount which the corporation may borrow upon debentures or otherwise; Limiting borrowing powers.
- (e) Providing for the formation of a reserve fund; Reserve fund.
- (f) Varying any provision contained in the special Act or Letters Patent incorporating the corporation; Amending charter.
- (g) Making provision for any other matter or thing in respect of which provision might have been made had the corporation been incorporated under this Act. R.S.O. cap. 191, s. 17-21, 102, 106, *amended*. Making other provisions.

It is here endeavored to include in one section all amendments of Letters Patent by supplementary Letters Patent. In the former Act sections 17-21 inclusive, and sections 102 and 106 provided for such changes. It is not intended that there should be any change in these sections. The section makes it clear that a vote of two-thirds of the shareholders present at a meeting called for that purpose may confirm the By-law. There was some doubt in the construction of section 20, although sections 102 and 106 are without doubt in this respect. All such changes are made by by-law. Sections 102 and 106 provided for resolutions.

14. Before Letters Patent or Supplementary Letters Patent are issued the applicants shall establish to the satisfaction of the Provincial Secretary the sufficiency of the petition, memorandum of agreement, by-law, resolution and all documents filed on such application, and shall furnish such evidence of the *bona fides* of any application as the Provincial Secretary may deem necessary. R.S.O. cap. 191, s. 12, *amended*. Preliminary conditions to be established.

This is section 12 extended so as to embrace all applications whether for Letters Patent or Supplementary Letters Patent. It does not seem necessary that any other officer than the Provincial Secretary should be referred to, ultimately his decision controls.

15.—(1) The Provincial Secretary, or any officer to whom the application may be referred, may for the purposes aforesaid, or for any other purpose under this Act, take any requisite evidence in writing under oath or affirmation. Proofs of matters under this Act.

(2) Proof of any matter which may be necessary to be made under this Act, may be made by statutory declaration, or by affidavit, or by deposition before the Provincial Secretary, or officer as aforesaid, or before any other person authorized to take affidavits or declarations. R.S.O. cap. 191, s. 13, *amended*.

This is section 13 with the wording slightly changed. It is unnecessary to name the Assistant Secretary. In subsection 2

surplus words are cut out. It is unnecessary to enumerate the various officers who may take oaths or to empower them to do so.

Notice of
issuing letters
patent.

16. Notice of the granting of Letters Patent or Supplementary Letters Patent, shall be given forthwith by the Provincial Secretary in the *Ontario Gazette*. R.S.O. cap. 191, s. 15, *amended*.

Former section 15 appears to be unnecessary beyond directing the notice of the issue of the Letters Patent. There appears to have been no direction to give notice of Supplementary Letters Patent under sections 102 and 106. It seems to be surplusage to set out in this section that effect shall be given to what has been directed to be done.

Powers inci-
dent to
company.

17. A company incorporated under this Act and having share capital shall, in addition to its other powers, possess power:—

- (a) To carry on any other business (whether manufacturing or otherwise) which may seem to the company capable of being conveniently carried on in connection with its business or calculated directly or indirectly to enhance the value of or render profitable any of the company's property or rights;
- (b) To acquire or undertake the whole or any part of the business, property and liabilities of any person or company carrying on any business which the company is authorized to carry on, or possessed of property suitable for the purposes of the company;
- (c) To apply for, purchase or otherwise acquire, any patents, licenses, concessions and the like, conferring any exclusive or non-exclusive, or limited right to use, or any secret or other information as to any invention which may seem capable of being used for any of the purposes of the company, or the acquisition of which may seem calculated directly or indirectly to benefit the company, and to use, exercise, develop or grant licenses in respect of, or otherwise turn to account the property, rights or information so acquired;
- (d) To enter into partnership or into any arrangement for sharing of profits, union of interests, co-operation, joint adventure, reciprocal concession or otherwise, with any person or company carrying on or engaged in or about to carry on or engage in any business or transaction which the company is authorized to carry on or engage in, or any business or transaction capable of being conducted so as directly or indirectly to benefit the company; and to lend money to, guarantee the contracts of, or otherwise assist

any such person or company, and to take or otherwise acquire shares and securities of any such company, and to sell, hold, re-issue, with or without guarantee, or otherwise deal with the same;

- (e) To take, or otherwise acquire and hold, shares in any other company having objects altogether or in part similar to those of the company or carrying on any business capable of being conducted so as directly or indirectly to benefit the company;
- (f) To enter into any arrangements with any authorities, municipal, local or otherwise, that may seem conducive to the company's objects, or any of them, and to obtain from any such authority any rights, privileges and concessions which the company may think it desirable to obtain, and to carry out, exercise and comply with any such arrangements, rights, privileges and concessions;
- (g) To establish and support or aid in the establishment and support of associations, institutions, funds, trusts and conveniences calculated to benefit employes or ex-employes of the company (or its predecessors in business) or the dependants or connections, of such persons, and to grant pensions and allowances, and to make payments towards insurance, and to subscribe or guarantee money for charitable or benevolent objects, or for any exhibition or for any public, general or useful object;
- (h) To promote any company or companies for the purpose of acquiring all or any of the property and liabilities of the company, or for any other purpose which may seem directly or indirectly calculated to benefit the company;
- (i) To purchase, take on lease or in exchange, hire or otherwise acquire, any personal property and any rights or privileges which the company may think necessary or convenient for the purposes of its business and in particular any machinery, plant, stock-in-trade;
- (j) To construct, improve, maintain, work, manage, carry out or control any roads, ways, tramways, branches or sidings, bridges, reservoirs, watercourses, wharves, manufactories, warehouses, electric works, shops, stores and other works and conveniences which may seem calculated directly or indirectly to advance the company's interests, and to contribute to, subsidize or otherwise assist or take part in

the construction, improvement, maintenance, working, management, carrying out or control thereof;

- (k) To lend money to customers and others having dealings with the company and to guarantee the performance of contracts by any such persons;
- (l) To draw, make, accept, endorse, discount, execute and issue promissory notes, bills of exchange, bills of lading, warrants, and other negotiable or transferable instruments;
- (m) To sell or dispose of the undertaking of the company or any part thereof for such consideration as the company may think fit, and in particular for shares, debentures or securities of any other company having objects altogether or in part similar to those of the company;
- (n) To adopt such means of making known the products of the company as may seem expedient, and in particular by advertising in the press, by circulars, by purchase and exhibition of works of art or interest, by publication of books and periodicals and by granting prizes, rewards and donations;
- (o) To sell, improve, manage, develop, exchange, lease, dispose of, turn to account or otherwise deal with all or any part of the property and rights of the company;
- (p) To do all or any of the above things as principals, agents, contractors, trustees, agents or otherwise, and either alone or in conjunction with others;
- (q) To do all such other things as are incidental or conducive to the attainment of the above objects;

Provided however, that the powers set out in any or all of the foregoing paragraphs may be withheld by the Letters Patent.

The Ontario Companies Acts have differed from the English Acts in this respect, that under the latter Acts it was held that a company could transact only such business as was referred to in the Memorandum of Association, while under the Ontario Acts large incidental and subsidiary powers were expressly given, *vid.* section 25. The practice under the English Act was to set out the objects of incorporation most extensively, and Ontario practitioners in most applications considered that the incidental objects of section 25 were not sufficient and followed English precedents. In many cases all of Palmer's common forms were set out in full. In practice this has become very cumbersome, and it has been thought advisable to set out all these forms in the Act and provide that any or all of them may be excepted.

In considering the objects of incorporation due weight should be given to the following English cases:—*Haven Gold Mining Co.* 20. C. D. 151; *German Date Co.* 20. Chy. D. 169. *Crown Bank*

44, Ch. D. 634: Amalgamated Syndicate 1897, 2, Ch. 600: Stephens v. Mysore Reef Co. 1902, 1 Ch. 745, and Pedlar v. Road Block Co. 1905, 2 Ch. 427, the result of which is that a company may carry on the businesses referred to in various sections only when it is carrying on that which is referred to in the first section, which has been considered its main object.

In many cases the applicants may not desire that all the provisions of this section should apply to the proposed companies. For instance (m) may be objectionable because the consent of all shareholders may be deemed necessary for a sale of the undertaking. To provide for such cases the Letters Patent may except any or all of the provisions of this section.

18. Any corporation incorporated under this Act shall have power—

- (a) To alter or change its common seal at pleasure. *Seal.*
R.S.O. cap, 191, 25 (a);
- (b) To construct, maintain and alter any buildings or *Buildings, etc.*
works necessary or convenient for the purposes
of the corporation. R.S.O. cap. 191, 25 (d);
- (c) To acquire by purchase, lease or other title and *Real estate.*
to hold, use, sell, alienate and convey any real
estate necessary for the carrying on of its un-
dertaking, and the corporation shall, upon its
incorporation, become and be invested with
all the property and rights, real and personal
theretofore held by or for it under any trust
created with a view to its incorporation.
R.S.O. cap. 191, s. 25 (g).

Ritchie v. Vermillion Mining Co., 1 O.L.R. 654,
4 O.L.R. 588.

19. Unless other special statutory enactments apply, no *Restrictions to holding real estate.*
parcel of land or interest therein at any time acquired by the corporation, whether having share capital or not, and not required for its actual use and occupation or not held by way of security, or not situate within the limits or within one mile of the limits of any city or town, shall be held by the corporation or by any trustee on its behalf, for a longer period than seven years after the acquisition thereof, but shall be absolutely sold and disposed of, so that the corporation shall no longer retain any interest therein unless by way of security; and any such parcel of land or any interest therein not within the exceptions hereinbefore mentioned, held by the corporation for a longer period than seven years, without being disposed of, shall be forfeited to His Majesty for the use of this Province; provided that the Lieutenant-Governor may extend the said period from time to time not exceeding in the whole twelve years; and further provided that no such forfeiture shall take effect or be enforced until the expiration of at least six calendar months after notice in writing to the corporation of the intention of His Majesty to claim such forfeiture; and it shall be the duty of the corporation to give the Lieutenant-Governor, when required, a full and cor-

rect statement of all lands at the date of such statement held by or in trust for the corporation. R.S.O. c. 191, s. 25, *in part*.

This section is the proviso of section 25 with verbal alterations. The reference to the lands being "in this Province" is struck out and the extension of time may be made by the Lieutenant-Governor and not by the Lieutenant-Governor in Council. Similarly the return is to be made on requisition by the Lieutenant-Governor.

Certain informalities not to invalidate letters patent, etc.

20. The provisions of this Act relating to matters preliminary to the issue of the Letters Patent or Supplementary Letters Patent shall be deemed to be directory only; and no Letters Patent or Supplementary Letters Patent, notice, order or other proceeding by or on behalf of the Lieutenant-Governor, Provincial Secretary or other Government or Departmental officer under this Act shall be held to be void or voidable on account of any irregularity, or otherwise in respect of any matter preliminary to the issue of the Letters Patent or Supplementary Letters Patent, notice, order or other proceeding or of any alterations in any petition or papers submitted in order to make them comply with this Act or with the departmental practice thereunder. R.S.O. cap. 191, s. 96.

Forfeiture of charter for non-user.

21. If a corporation incorporated by Letters Patent does not go into actual operation within two years after incorporation or for two consecutive years does not use its corporate powers, such powers, except so far as is necessary for the winding up of the corporation, shall be forfeited, and its name in whole or in part may be granted to another corporation, and in any action or proceeding where such non-user is alleged, proof of user shall lie upon the corporation, provided, however, that no such forfeiture shall affect prejudicially the rights of creditors as they exist at the date of such forfeiture. R.S.O. cap. 191, s. 98, *amended*.

This is section 98 with the reference to former section 10 struck out, and its scope is extended to companies without share capital.

Revocation of charter.

22. The Letters Patent by which a corporation is incorporated and any Supplementary Letters Patent amending or varying the same, may, at any time, be declared to be forfeited and may be revoked and made void by an Order of the Lieutenant-Governor on sufficient cause being shown in that behalf, and such forfeiture, revocation and making void may be upon such conditions and subject to such provisions as to the Lieutenant-Governor may seem proper. R.S.O. cap. 191, s. 99.

This is section 99 extended to all corporations, action being taken by the Lieutenant-Governor and not by the Lieutenant-Governor in Council. The Letters Patent of the Toronto Junction Recreation Club Limited were revoked under this section.

Attorney-General v. Toronto Junction Recreation Club
8 O.L.R. 440.

23. If a corporation exercises its corporate powers when the number of its shareholders or members is less than five, for a period of six months after the number has been so reduced, every person who is a shareholder or member of the corporation during the time that it so exercised its corporate powers after such period of six months and is cognizant of the fact that it is so exercising its corporate powers with less than five shareholders or members, shall be severally liable for the payment of the whole of the debts of the corporation contracted during such time and may be sued for the same without the joinder in the action or suit of the corporation or of any other shareholder or member, but any shareholder or member who has become aware that the corporation is exercising its corporate powers when the number of its shareholders or members is less than five, may serve a protest in writing on the corporation and may by registered letter notify the Provincial Secretary of such protest having been served and of the facts upon which it is based and such shareholder or member may thereby and not otherwise from the date of his said protest and notification exonerate himself from liability, and if after notice from the Provincial Secretary, the corporation refuses or neglects to bring the number of its shareholders or members up to five such refusal or neglect may, upon the report of the Provincial Secretary, be regarded by the Lieutenant-Governor as sufficient cause for the revocation of the charter of the corporation. R.S.O. cap. 191, s. 100, *amended*.

Company with less than five members.

This is section 100 extended to all corporations.

24. The charter of a corporation incorporated by letters patent may be surrendered if the corporation proves to the satisfaction of the Lieutenant-Governor:—

Surrender of charter.

- (a) That it has no debts existing or other rights in question, or,
- (b) That it has parted with its property, divided its assets rateably amongst its shareholders or members and has no debts or liabilities, or,
- (c) That the debts and obligations of the corporation have been duly provided for or protected or that the creditors of the corporation or other persons holding them consent;
- (d) And that the corporation has given notice of the application for acceptance of surrender by publishing the same once in the *Ontario Gazette* and once in a newspaper published at or as near as may be the place where the corporation has its head office, or if it be without share capital where its operations are carried on;

And the Lieutenant-Governor upon a due compliance with the provisions of this section, may accept the charter and direct its cancellation, and may, by his Order, fix a

date upon and from which the corporation shall be deemed to be dissolved, and the corporation shall thereby and thereupon become dissolved accordingly. R.S.O. cap, 191, s. 101, *amended*.

This is section 101 made applicable to all corporations, action being taken by the Lieutenant-Governor. Subsection (d) is added to set out the advertising required. This follows an Order-in-Council under section 101.

25. The Lieutenant-Governor-in-Council may, from time to time, make regulations with respect to the following matters, namely:—

- (a) The cases in which notice of application for letters patent or supplementary letters patent under this Act must be given;
- (b) The forms of Letters Patent, Supplementary Letters Patent, notices and other instruments and documents relating to applications and other proceedings under this Act;
- (c) The form and manner of the giving of any notice required by this Act;

and such regulations shall be published in the *Ontario Gazette*. R.S.O. cap. 191, s. 11, *amended*.

This is former section 11 with subsection (b) struck out.

PART II.

NAME OF CORPORATION.

Use of word
"Limited."

26.—(1) The corporate name of every company with share capital shall have the word "Limited" as the last word thereof.

(2) Wherever the company or the directors, managers, officers or employees thereof or any one or more of them use the name of the company, the word "Limited" shall appear as the last word thereof in letters substantially of the same size as the letters in the rest of such name: Provided, that stamping, writing, printing, or otherwise marking on goods, wares and merchandise of the company, or upon packages containing the same shall not be deemed to be within the provisions of this section.

Penalty.

(3) Every company and every director, manager, officer or other employee making default in complying with the foregoing provisions of this section shall incur upon summary conviction a penalty not exceeding ten dollars for each and every offence: Provided, that after having been convicted of such an offence the offender upon a subsequent conviction for a similar offence committed after such first conviction shall incur a penalty not exceeding one hundred dollars.

Proviso.

(4) The prosecution or proceeding to recover a penalty for an offence against the foregoing provisions of this section shall be commenced within six months after the offence has been committed and not afterwards. 63 Vic. c. 23, s. 3, *amended*. Limitation of prosecutions.

(1) This is in substance the first part of section 10 (a).

(2) In section 23 as amended by 63 Vic. c. 23, s. 3, an enumeration of all places where the name of a company may be used is set out and the word "limited" directed to be there used. In drafting the section referred to the canon of construction "where to particularize you limit" appears to have been overlooked. It appears simpler and more to the point to say that wherever the name is used the word "limited" shall appear.

(3) This is 63 Vic., c. 23, s. 3, ss. 3, changed only to make the mode of recovery of the penalty definite.

(4) This is 63 Vic., c. 23, s. 3, ss. 4, without change.

27. The name of every corporation shall not on any public ground be objectionable and shall not be that of any known corporation or association incorporated or unincorporated, or of any partnership or of any individual or any name under which any known business is being carried on, or so nearly resembling the same as to deceive; provided, however, that a subsisting corporation, association, partnership, individual or person may consent that its or his name, in whole or in part, be granted to the new corporation incorporated for the purpose of acquiring its or his business or promoting its objects. R.S.O. cap. 191, s. 10 (a), *in part amended*. Name to be free from objection.

This is the second part of section 10 (a) with this change—Under the section referred to a firm, individual or corporation could consent to its name being used without limitation—under this section such name may be used only by a corporation taking over the undertaking of the individual, firm or company.

28. The name of a corporation which has not made for three consecutive years the annual summary prescribed by this Act, may be given in whole or in part to a new corporation, unless the defaulting corporation after three weeks' notice by the Provincial Secretary addressed by registered letter to the corporation or its president as shown by its last return, proves to the satisfaction of the Lieutenant-Governor that it is still a valid and subsisting corporation; provided, however, that if at the end of one month from the date of such notice, the Provincial Secretary shall have received from the corporation or its president no response to such notice, the corporation may be deemed by him not a valid and subsisting corporation, and no longer entitled to the sole use of its corporate name. 1 Edw. VII. cap. 18, s. 3, *amended*. Failure to make annual returns.

This is the latter part of section 10 (a) amended by 1 Edw. VII. cap. 18, s. 3, slightly changed so that the notice need be given only to the President and not to the Secretary as well.

Change of
name if
objectionable.

29. In case it is made to appear to the satisfaction of the Lieutenant-Governor that any corporation is incorporated under a name the same as, or so similar to that of an existing corporation, company, partnership, association, individual, or business as to deceive, the Lieutenant-Governor may by Order, change the name of the corporation. R.S.O. c. 191, s. 24, *amended*.

Former section 24 with the provision for the protection of creditors cut out, the same appearing as section 32.

Applications to
Lieutenant-
Governor to
change names
of companies.

30.—(1) Where a corporation is desirous of changing its name, the Lieutenant-Governor, upon being satisfied that the corporation is in a solvent condition, and that the change desired is not for any improper purpose, and is not otherwise objectionable, may by Order change the name of the corporation. R.S.O. cap. 215, s. 1, *amended*.

In case pro-
posed name is
objectionable.

(2) In case the proposed name is considered objectionable, the Lieutenant-Governor may change the name of the corporation to some other unobjectionable name. R.S.O. cap. 215, s. 3, *amended*.

Notice of
change.

31. Notice of the change of the name of a corporation shall be given by the Provincial Secretary by publication in the *Ontario Gazette*.

Rights of
creditors
preserved.

32. No such alteration of name of a corporation shall affect the rights or obligations of the corporation; and all proceedings may be continued and commenced by or against the corporation by its new name that might have been continued or commenced by or against the company by its former name.

PART III.

MEETINGS OF COMPANY.

First meeting.

33.—(1) The provisional directors of a company not offering shares for public subscription, shall by a registered letter addressed to each shareholder call a general meeting of the company to be held at a convenient place within two months from the date of the letters patent for the purpose of electing directors, appointing auditors, sanctioning the by-laws of the company, and transacting such other business as may be necessary to enable the company to carry on its undertaking.

Report at first
meeting.

(2) The provisional directors shall report to such meeting the number of shares subscribed or underwritten; the names of the subscribers or underwriters; the amount paid thereon; all contracts entered into by or on behalf of the company; the amount of the preliminary expenses and a financial statement of the affairs of the company signed by the auditors (if any). *New*.

Shareholders
may call.

(3) If the said meeting is not called by the provisional directors within the time required by this section, any three or more shareholders of the company shall have

power to call the meeting and to proceed to the organization of the company. R.S.O. cap. 191, s. 16, *amended*.

(1) This is section 16, subsection 1, changed as follows: The last clause is incorporated in an appropriate place in the section and the words "for the purpose of organizing the company for the commencement of business" are made more definite.

(2) This section is new. It will enable the shareholders to see the state of organization, the shares subscribed and the contracts, if any, made by the provisional directors.

A Statutory meeting of companies offering shares for public subscription is provided by section 102.

34. In default only of other express provisions in such behalf by the special Act or by the letters patent or by-laws of the company, notice of the time and place for holding general meetings of the company, including the annual and special meetings shall be given at least ten days previously thereto, in some newspaper published at or as near as may be to the head office and to the chief place of business of the company, if these differ, and either by publishing the same in the *Ontario Gazette* or by mailing the same as a registered letter duly addressed to each shareholder at his last known post office address at least ten days previously to such meeting. R.S.O. cap. 191, s. 50, *amended*. Notice of meeting.

This is section 50 with the special provision regarding companies with capital less than \$3,000 struck out. This provision appears unnecessary.

Allen v. Gold Reefs, 1900, 1 Ch. 656.

35.—(1) A general meeting to be known as the annual meeting of the company shall be held at such time and place in each year as the Special Act, Letters Patent, or by-laws of the company may provide, and in default of such provisions in that behalf the annual meeting shall be held on the fourth Wednesday in January in every year, at such place as may be determined by the directors, and at such meeting the directors shall lay before the company, Annual meeting.

(a) A balance sheet made up to a date not more than three months before such annual or general meeting;

(b) A statement of income and expenditure for the financial period ending upon the date of such balance sheet;

(c) The report of the auditor or auditors;

(d) Such further information respecting the company's financial position as the Letters Patent or the by-laws of the company may require;

and shall furnish a copy thereof to every shareholder personally present at such meeting and demanding the same.

(2) Every balance sheet of the company shall be drawn up so as to distinguish at least the following classes of assets and liabilities, namely:—

- (a) Cash; •
 - (b) Debts owing to the company from its customers;
 - (c) Debts owing to the company from its directors or officers;
 - (d) Stock in trade;
 - (e) Expenditures made on account of future business;
 - (f) Land, buildings and plant;
 - (g) Goodwill, franchises, patents and copyrights, trademarks, leases, contracts and licenses;
 - (h) Debts owing by the company secured by mortgage or other lien upon the property of the company;
 - (i) Debts owing by the company but not secured;
 - (k) Amount received on common shares;
 - (l) Amount received on preferred shares;
 - (m) Indirect and contingent liabilities.
- (New.)

This is section 51 largely extended. As the Act now stands there does not appear to be any section requiring the directors to make a report of the financial state of the company to the shareholders. This section provides for a balance sheet of the company's affairs being produced and distributed to such of the shareholders as ask for it. The items of this balance sheet are such as will enable a shareholder to intelligently understand the affairs of the company and such as may prevent directors from covering up the accounts so as to mislead shareholders.

Special meetings.

36. The directors may and upon a requisition made in writing by the holders of not less than one-tenth of the subscribed shares of the company shall, convene a special general meeting of the company, to transact the business set out in the notice calling such meeting. R.S.O. cap. 191, s. 52, *amended*.

This is section 52 slightly changed. The words "whenever they think fit" are struck out as surplusage. A part of section 53 providing what business is to be transacted at the meeting, is inserted in this section and the balance is inserted in the next.

Directors to call meeting.

37. Upon the receipt of such requisition setting out the objects for which such meeting is proposed to be called and left at the head office of the company, the directors shall forthwith proceed to convene a special general meeting. If they do not cause the same to be held within twenty-one days from date upon which the requisition was left at the head office of the company, any shareholders, hold-

ing not less than one-tenth in value of the subscribed shares of the company whether they signed the requisition or not, may themselves convene such general meeting. R.S.O. cap. 191, s. 53, 54.

This is section 54 with a part of section 53 added. Section 55 is omitted. The By-laws of the company, or in default, section 33 above provides for the notice to be given.

Sections 56 and 57 are also omitted. They provide for a quorum. It is questionable whether such is necessary. If all shareholders have notice, as is provided, the business of the company should go on. Provisions for a quorum more often lead to obstruction than good business.

In re State of Wyoming Syndicate, 1901, 2 Ch. 431.

38. The president of the company shall preside as chairman at every general meeting of the company; if there is no president or if at any meeting he is not present within fifteen minutes after the time appointed for holding the meeting, the shareholders present shall choose some one of their number to be chairman. R.S.O. cap. 191, s. 58, 59.

Presiding officer.

Chairman to be elected when necessary.

This is sections 58 and 59 run together.

39. The chairman may with the consent of the meeting and subject to such conditions and restrictions as the meeting may decide, adjourn any meeting from time to time and from place to place. R.S.O. cap, 191, s. 60.

Adjournment by consent.

40. At any general meeting, unless a poll is demanded, a declaration by the chairman that a resolution has been carried and an entry to that effect in the proceedings of the company, shall be *prima facie* evidence of the fact, without proof of the number or proportion of the votes recorded in favour of or against such resolution. R.S.O. cap. 191, s. 61.

Procedure as to resolution.

41. If a poll is demanded, it shall be taken in such manner as the by-laws prescribe, and in default thereof, then as the chairman may direct. In the case of an equality of votes, at any general meeting, the chairman shall be entitled to a second or casting vote. R.S.O. cap. 191, s. 62.

Taking vote when poll is demanded.

42. Subject to the Special Act, Letters Patent or by-laws of the company, at all general meetings of the company every shareholder shall be entitled to as many votes as he holds shares in the company, and may vote by proxy, but no shareholder being in arrear in respect of any call shall be entitled to vote at any meeting of the company. R.S.O. cap. 191, s. 63, 64, *amended*.

Votes.

Shareholders in arrear not to vote.

This is sections 63, 64 run together with the addition that the provisions of the section may be qualified by the Special Act or Letters Patent. The object of this is to enable the provisions for preferred or deferred shares to be extended to exclude the holders

of such shares from any control of the company while their dividends are paid. Under the Act as it stands preferred shares may have any advantage over ordinary shares, but they cannot be limited in any respect.

Place of
meetings.

43. All meetings of the shareholders and directors shall be held at the place named in the Special Act or Letters Patent or Supplementary Letters Patent as the place of the head office of the company, save and except when the company is authorized by the Special Acts, Letters Patent or Supplementary Letters Patent to hold its meetings without the Province. *New.*

This section is new in that it provides that meetings of companies must be held at the place of the head office. This appears necessary. It also provides for meetings being held out of the Province. 1 Edw. VII., Cap. 18, s. 1, amending R.S.O. Cap. 191, s. 40.

Application
of part.

44. This part of the Act shall not apply to companies without share capital. *New.*

PART IV.

SHARES, CALLS.

Share
certificate.

45. Every shareholder shall, without payment, be entitled to a certificate under the common seal of the company specifying the share or shares held by him and the amount paid up thereon, provided that in respect of a share or shares held jointly by several persons, the company shall not be bound to issue more than one certificate, and delivery of a certificate for a share to one of several joint holders shall be sufficient delivery to all. *New. Imp. Act, Table A, 6.*

There is no provision in the present Act for the issue of share certificates in receipts for calls.

Lost certificate

46. If a share certificate is defaced, lost or destroyed, it may be renewed on payment of such fee, if any, not exceeding twenty-five cents, and on such terms, if any, as to evidence and indemnity as the directors think fit. *New. Imp. Act, Table A, 7.*

Shares personal
estate.

47. The shares of the company shall be deemed personal estate and shall be transferable on the books of the company, in such manner and subject to such conditions and restrictions as by this Act, or by the special Act, or by the Letters Patent or by-laws of the company may be prescribed. R.S.O. cap. 191, s. 27.

Section 27 without change, except that in this section and throughout the Act the word "stock" is not used. It appears to have been used as synonymous with "shares."

Directors may
refuse transfer
of shares in
certain cases.

48. The directors may refuse to allow the entry in any such book, of any transfer of shares whereof the whole amount has not been paid in; and whenever entry is made

in such book of any transfer of shares not fully paid in, to a person not being of apparently sufficient means, the directors present when such entry is authorized shall be jointly and severally liable to the creditors of the company in the same manner and to the same extent as the transferring shareholder, but for such entry, would have been; but if any director present, when such entry is allowed, forthwith enters a written protest against the same, and within eight days thereafter causes such protest to be notified, by registered letter, to the Provincial Secretary, such director may thereby, and not otherwise, exonerate himself from such liability. R.S.O. cap. 191, s. 28.

Their liability if they allow transfers to persons without means.

Re Imperial Starch Co., 10 O.L.R. 22.

Re Paton and Cramp Steel Co., 9 O.L.R. 3.

49. No transfer of shares unless made by sale under execution, or under the order or judgment of some competent court in that behalf, shall be valid for any purpose whatever, save only as exhibiting the rights of the parties thereto toward each other, and as rendering the transferee liable, *ad interim*, jointly and severally with the transferor, to the company and its creditors, until entry thereof has been duly made in the books of the company. R.S.O. cap. 191, s. 29.

Transfer valid only after entry.

Muton v. Cowan, 25 Ont. 529; Smith v. Walkerville, 23 A.R. 95.

Re McKain and Canadian Birkbeck Investment Co., 7 O.L.R. 241.

50. No shares shall be transferable until all previous calls have been fully paid in, or until declared forfeited for non-payment of calls. R.S.O. cap. 191, s. 30.

Restrictions as to transfers.

51. The directors of the company may call in and demand from the shareholders thereof, the amount unpaid on shares by them subscribed or held, at such times and places and in such payments or instalments as the Letters Patent or this Act, or the by-laws of the company require or allow; and interest shall accrue at the legal rate for the time being upon the amount of any unpaid call, from the day being ordered for payment of such call. R.S.O. cap. 191, s. 32.

Calling in instalments.

52. If, after a demand therefor, any call is not paid within the time and in the manner provided by the Special Act or Letters Patent or by-laws the directors, by resolution to that effect, reciting the facts and duly recorded in their minutes, may summarily forfeit any shares whereupon such payment is not made; and the same shall thereupon become the property of the company and may be disposed of, as by by-law or otherwise the company may ordain. R.S.O. cap. 191, s. 35, amended.

Forfeiture of shares.

This is section 35 with slight changes. The word "such" is struck out of the first line. The notice does not appear to have been mentioned in a prior section. The section, as it stood, appeared to imply that express provisions should be made for the demand of payment. It is thought better to leave the demand such as would ordinarily be made in case of a debt due on demand, and provide that the payment is due according to the provisions therefor in By-law, etc. The words "in their discretion" are struck out as surplusage.

Sections 53-61, inclusive, are new and are taken from the *Imperial Companies Act, 1867*. The main object of the section is to enable a company to issue a kind of security which is probably the most important dealt in on the European Exchanges. This kind of security is particularly popular in France with small investors and the French law renders share certificates more easily dealt with. There is no change from the Imperial Act except where the necessities of our Act demand verbal changes.

Issue of share warrants.

53. A company if authorized so to do by Letters Patent or Supplementary Letters Patent and subject to the provisions thereof, may, with respect to any share which is fully paid up, issue under its common seal a warrant stating that the bearer of the warrant is entitled to the share or shares therein specified, and may provide, by coupons or otherwise, for the payment of the future dividends on the share or shares included in such warrant, hereinafter referred to as a share warrant. *New. Imp. Act, 1867, s. 27.*

Holders*of share warrants.

54. A share warrant shall entitle the bearer of such warrant to the shares specified in it and such shares may be transferred by the delivery of the share warrant. *New. Imp. Act, 1862, s. 28.*

Surrender of share warrants.

55. The bearer of a share warrant shall, subject to the provisions and regulations contained in the Letters Patent or Supplementary Letters Patent respecting share warrants, be entitled on surrendering such warrant for cancellation, to have his name entered as a shareholder in the register of shareholders, and the company shall be responsible for any loss incurred by any person by reason of the company entering in its register of shareholders the name of any bearer of a share warrant in respect of the shares specified therein without the share warrant being surrendered and cancelled. *New. Imp. Act, 1867, s. 29.*

Holders of share warrants not to be deemed shareholders for certain purposes.

56. The bearer of a share warrant may, if the regulations respecting share warrants so provide, be deemed to be a shareholder of the company, either to the full extent or for such purposes as may be prescribed by such regulations; provided, that the bearer of a share warrant shall not be qualified in respect of the shares specified in such warrant for being a director of the company in cases where such a qualification is prescribed by the by-laws of the company. *New. Imp. Act, 1867, s. 30.*

Entries in register where share warrant issued.

57. On the issue of a share warrant in respect of any share, the company shall strike out of its register of shareholders the name of the shareholder then entered therein as

holding such share as if he had ceased to be a shareholder, and shall enter in the register the following particulars:

- (1) The fact of the issue of the warrant;
- (2) The statement of the shares included in the warrant, distinguishing each share by its number;

(3) The date of issue of the warrant.
New. Imp. Act, 1867, s. 31.

58. Until the warrant is surrendered the above particulars shall be deemed to be the particulars which are required by section 104 of this Act, to be entered in the register of shareholders of a company; and on the surrender of a warrant the date of such surrender shall be entered as if it were the date at which a person ceased to be a shareholder.
New. Imp. Act, 1867, s. 32.

Entries of share warrants.

59. The bearer of a share warrant may at any time deposit the warrant at the office of the company, and so long as the warrant remains so deposited the depositor shall have the same right of signing a requisition for calling a meeting of the company, and of attending and voting and exercising the other privileges of a member at any meeting held after the expiration of two clear days from the time of deposit, as if his name were inserted in the register of members as the holder of the share included in the deposited warrant. Not more than one person shall be recognized as depositor of the share warrant. The company shall on two days' written notice return the deposited share warrant to the depositor. *Imp. Act, Table A, 38.*

Deposit of share warrants.

60. Subject as herein otherwise expressly provided no person shall, as a bearer of a share warrant, sign a requisition for calling a meeting of the company, or attend, or vote, or exercise any other privilege of a member at a meeting of the company; or be entitled to receive any notices from the company but the bearer of a share warrant shall be entitled in all other respects to the same privileges and advantages as if he were named in the register of members as the holder of the shares included in the warrant, and he shall be a member of the company. *Imp. Act, Table A, 39.*

Holders of share warrants not to sign requisition for meetings.

61. The directors may from time to time make rules as to the terms on which (if they shall think fit) a new share warrant or coupon may be issued by way of renewal in case of defacement, loss or destruction. *Imp. Act, Table A, 40.*

Lost share warrant.

62. The company shall not be bound to see to the execution of any trust, whether express, implied or constructive, in respect of any share; and the receipt of the shareholder in whose name the same stands on the books of the company shall be a valid and binding discharge to the company for any dividend or money payable in respect of such share, whether or not notice of the trust has been given to the company; and the company shall not be bound to see to

Trusts.

the application of the money paid upon such receipt.
R.S.O. cap. 191, s. 31.

Trustees, etc.,
may vote.

Mortgagor of
stock may
vote.

63.—(1) Every executor, administrator, guardian or trustee shall represent the shares in his hands, at all meetings of the company and may vote accordingly as a shareholder, and every person who pledges his shares may nevertheless represent the same at all such meetings, and may vote accordingly as a shareholder, unless in the transfer to the pledgee on the books of the company he shall have expressly empowered the pledgee to vote thereon in which case only the pledgee or his proxy may vote in respect of said shares. R.S.O. cap. 191, 36, *amended*.

This is section 36 with this change: Under that section the pledgor alone could vote on hypothecated shares. Here it is provided that the document of pledge may empower the pledgee to vote.

Joint holders
of stock.

(2) If shares be held jointly by two or more persons, any one of them present at a meeting may, in the absence of the other or others, vote thereon, but if more than one joint shareholder be present or be represented by proxy, they shall vote together on the shares jointly held. R.S.O. cap. 191, s. 36, *amended*.

Liability of
shareholders.

64.—(1) Each shareholder, until the whole amount of his shares has been paid up, shall be individually liable to the creditors of the company to an amount equal to that not paid up thereon, but shall not be liable to an action therefor by any creditor before an execution against the company has been returned unsatisfied in whole or in part; and the amount due on such execution, but not beyond the amount so unpaid on his said shares, shall be the amount recoverable, with costs, against such shareholder.

Shaver v. Cotton, 23 A.R. 226.

Set-off.

(2) Any shareholder may plead by way of defence in whole or in part, any set-off which he could set up against the company, except a claim for unpaid dividend, or a salary or allowance as a president or a director of the company.

Shareholders
not liable
beyond unpaid
amount.

(3) The shareholders shall not, as such, be held responsible for any act, default or liability whatsoever, of the company, or for any engagement, claim, payment, loss, injury, transaction, matter or thing whatsoever, relating to or connected with the company, beyond the unpaid amount on their respective shares. R.S.O., cap. 191, s. 37.

Re Wiarton Beet Sugar Mfg. Co., 10 O.L.R. 219.

Trustees not
personally
liable.

65. No person holding shares as executor, administrator, guardian or trustee, shall be personally subject to liability as a shareholder; but the estates and funds in the hands of such person shall be liable in like manner and to the same extent as the testator or intestate or the minor, ward, or

person, interested in the trust fund, would be, if living and competent to act and holding such shares. R.S.O. cap. 191, s. 38.

66. No person holding shares as collateral security, shall ^{Mortgages.} be personally subject to liability as a shareholder, but the person transferring such shares as such collateral security shall be considered as holding the same, and shall be liable as a shareholder in respect thereof. R.S.O. cap. 191, s. 39.

PART V.

PREFERENCE AND DEBENTURE STOCK, DEBENTURES AND MORTGAGES.

This part of the Act is mainly new. In it is recast section 22 relating to the issue and redemption of preference shares and section 49 relating to the issue of bonds and debentures. There is no provision in the existing Act for the issue of debenture stock or the conversion of preference shares into common shares or debentures. This must now be done by the incorporation of a new company or other devious methods. The provision of section 22 that preference shares may be issued on a unanimous vote, or on a three-fourths vote, on confirmation by Supplementary Letters Patent, is changed so that preference shares may be issued on a two-third vote. In any case the By-law may be confirmed by Supplementary Letters Patent under section 13 (g).

The special amendments of section 22 have rendered its provisions relating to the redemption of preference shares almost nugatory.

Section 69 modifies very largely the terms upon which preference shares may be issued. Under section 22, while preference shares may be given rights beyond common shares, they may not be limited in any respect. It is in fact questioned whether the dividend on common shares may be restricted when larger dividends are paid on common shares. Preference shareholders could not be restricted in voting powers when their dividends were promptly paid. This part provides that preference shares may be limited in any respect provided that the limitation is fully set out in the share certificates.

67. The directors of a corporation may make by-laws:—

- (a) For borrowing money on the credit of the company; ^{Borrowing powers.}
- (b) For issuing bonds, debentures or other securities of ^{Debentures.} the company.

Ponton v. Ontario L. & D. Co., 22 Ont. 597.

And the directors of companies with share capital may make by-laws:—

- (1) For creating and issuing any part of the capital as ^{Preference shares.} preference shares;
 - (2) For creating and issuing debenture stock; ^{Debenture stock.}
 - (3) For the conversion of preference shares into common shares or debentures or debenture stock or *vice versa*. ^{Conversion of preference shares.}
- R.S.O. cap. 191, s. 49, *amended*.

Sanction of
by-law.

68. No such by-law shall have any force or effect whatever until after it has been confirmed by a vote of not less than two-thirds in value of those shareholders present in person or by proxy at a general meeting of the company, duly called for considering the same, or unanimously sanctioned in writing by the shareholders of the company. *New.*

Terms of issue
of preference
shares.

69. A by-law for the creation and issue of preference shares may provide that the holders of such shares shall have such preference as regards dividends and repayment on dissolution or winding-up as may be therein set out; may have the right to select a certain stated proportion of the board of directors, or may give them such other control over the affairs of the company as may be considered expedient, or may limit the right of the holders thereof to specific dividends or in the control of the affairs of the company or otherwise, not contrary to law or to this Act, and may provide for the purchase or redemption of such shares by the company as therein set out; provided, however, that any term or provision of such by-law, whereby the rights of holders of such shares are limited or restricted, shall be fully set out in the certificates of such shares, and in the event of such limitations and restrictions not being so set out they shall not be deemed to qualify the rights of holders thereof. *New.*

Consent of
holders to
redemption.

70. Unless preference shares, debenture stock, debentures or bonds are issued subject to redemption or conversion, the same shall not be subject to redemption or conversion without the consent of the holders thereof. *New.*

Supplementary
letters patent
in certain
cases.

71. No such by-law which has the effect of increasing or decreasing the capital of the company or otherwise varying any term or provision of the special Act or Letters Patent of the company shall be valid or acted upon until confirmed by Supplementary Letters Patent. *New.*

Mortgages to
secure debentures, etc.

72. The directors may charge, hypothecate, mortgage, or pledge any or all of the real or personal property, rights and powers of the corporation to secure any bonds, debentures or other securities or any liability of the corporation and a duplicate original of such charge, mortgage or other instrument of hypothecation or pledge made to secure bonds, debentures or other securities, shall be forthwith filed in the office of the Provincial Secretary. *New.*

Bank of Montreal v. Kirkpatrick, 2 O.L.R. 113.

PART VI.

DIRECTORS AND THEIR POWERS, ETC.

Provisional
directors

73. The persons named as provisional directors in the Special Act or in the Letters Patent shall be the directors of the company, until replaced by the same number of others

duly elected in their stead, and shall be eligible for re-election. R.S.O. cap. 191, s. 41, *amended*.

There was some doubt whether under section 41 the number of directors of a company should be the same as the number of provisional directors, and this is made clear.

74. The affairs of the company shall be managed and its Board of directors undertaking carried on by a board of not less than three directors, who shall be elected by the shareholders in general meeting of the company. R.S.O. cap. 191, s. 40. *amended*.

This is section 40 with the words "and its undertaking carried on" added.

75. A company, having more than six directors, may Executive committee by by-law authorize the directors to delegate any of their powers to an executive committee, consisting of not less than three, to be elected by the directors from their number. Any committee so formed shall, in the exercise of the powers so delegated, conform to any regulations that may be imposed on them by such by-law or by the directors. 3 Edward VII. cap. 7, s. 35.

This is section 40 (a), 3 Edw. VII., cap. 7, sec. 35, with the first words "A company" instead of "The shareholders of a company." There is judicial authority for the statement that the directors alone may pass by-laws.

76. No person shall hold office as a director unless he is Qualifications of directors a shareholder absolutely in his own right, and not in arrear in respect of any call thereon, and where any person, who is a director, ceases to be a *bona fide* holder of shares, he shall thereupon cease to be a director. R.S.O. cap. 191, s. 42.

77.—(1) The election of directors shall take place at the Yearly elections annual meeting, all the members of the board retiring, and (if otherwise qualified) being eligible for re-election.

(2) Election of directors shall be by ballot, if demanded. Ballot.

(3) Vacancies occurring in the board of directors may, Vacancies unless the Letters Patent, Supplementary Letters Patent or by-laws otherwise direct, be filled for the unexpired remainder of the term, by the board, from among the qualified shareholders of the company.

(4) The directors shall, from time to time, elect from President and officers among themselves a president of the company, and shall also appoint, and may remove at pleasure, all other officers thereof. R.S.O. cap. 191, s. 43, *amended*.

This is section 43 with a change in subsection 2, so that the election of directors be by ballot, if demanded.

Stephenson v. Vokes, 27 Ont., 691.

78. If at any time an election of directors is not made, Failure to elect directors how remedied or does not take effect at the proper time, the company

shall not be held to be thereby dissolved; but such election may take place at any general meeting of the company duly called for that purpose; and the directors shall continue in office until their successors are duly elected. R.S.O. cap. 191. s. 44.

Change by by-law of number of directors or of head office in Ontario.

79.—(1) A company may, by by-law, vary the number of its directors, or may change the company's head office in Ontario.

Notice.

(2) No by-law for either of the said purposes shall be valid or acted upon until confirmed by a vote of not less than two-thirds in value of those shareholders present in person or by proxy at a meeting of the company duly called for considering the same, or until a copy of the by-law, certified under the seal of the company, has been published by the company once in the *Ontario Gazette*, and in case of the removal of the head office of the company, twice in a newspaper published in each of the places where the head office was fixed and to where it is to be removed, or as near thereto as may be. R.S.O. cap. 191, s. 45, *amended*.

Re Publishers' Syndicate, 5 O.L.R. 392.

This is section 45 amended in two respects. It was doubtful whether there must be two-thirds in value of all shareholders of the company present at a meeting in order to confirm such a by-law. It is made plain that when a meeting is called to confirm such a by-law, two-thirds of those present at the meeting may do so. The usual notice provided by Order in Council is set out in this section.

By-laws.

80. The directors may, from time to time, make by-laws not contrary to law, or to the Letters Patent of the company, or to this Act, to regulate:—

Share.

- (a) The allotment of shares; the making of calls thereon; the payment thereof; the issue and registration of certificates of shares; the forfeiture of shares for non-payment; the disposal of forfeited stock and of the proceeds thereof; the transfer of shares;

Hill's Case, 10 O.L.R. 501.

Dividends.

- (b) The declaration and payment of dividends;

Directors' services, etc

- (c) The term of service, not exceeding two years, and the qualification of the directors;

Officers.

- (d) The appointment, functions, duties and removal of all officers, agents and servants of the company, the security to be given by them to the company, and their remuneration;

Birnie v. Toronto Milk Co., 5 O.L.R. 1; Stephenson v. Vokes, 27 Ont. 691.

Meetings.

- (e) The time at which and place where the meetings of the company shall be held; the calling of meetings of the company; the quorum; the requirements as to proxies; and the procedure in all things at such meetings;

(f) The imposition and recovery of all penalties and forfeitures admitting of regulation by by-law, and

(g) The conduct in all other particulars of the affairs of the company;

Conduct of
affairs
generally.

And may from time to time repeal, amend or re-enact the same; but every such by-law, and every repeal, amendment or re-enactment thereof, unless in the meantime confirmed at a general meeting of the company duly called for that purpose, shall only have force until the next annual meeting of the company; and in default of confirmation thereat shall, at and from that time only, cease to have force; and in that case no new by-law to the same or the like effect or re-enactment thereof, unless in the meantime confirmed shall have any force until confirmed at a general meeting of the company; provided, however, that the company shall have power either at a general meeting called as aforesaid, or at the annual meeting of the company, to repeal, amend, vary or otherwise deal with any by-laws which have been passed by the directors, but no act done or right acquired under any by-law shall be prejudicially affected by any such repeal, amendment, variation or other dealing. R.S.O. cap. 191, s. 47.

Confirmation
of by-laws.

By-laws may
be varied.

This is section 47 with the word "shares" substituted for stock, and the subsection (c) extended so that the qualification of the directors may not be limited to a stock qualification. As this subsection stood there could be no provision that directors should be residents of the Province or British subjects.

81. No payment for salary, bonus or otherwise, shall be made to the President or any Director unless such payment be authorized by by-law which has been confirmed by a vote of two-thirds in value of the shareholders present at a general meeting duly called for considering the same. R.S.O. Cap. 191, 48, *amended*.

Payments to
President or
directors.

This Section is new. It appears anomalous that the Directors of the Company must have a by-law authorizing a mortgage or pledge of any of the assets of the Company confirmed by a vote of two-thirds of the Company, and may by a mere majority vote put as much of the assets of the Company as they desire in their own pockets.

Birnie v. Toronto Milk Co., 5 O.L.R. 1.

Re Publishers' Syndicate, 5 O.L.R. 392.

82. No director of any company shall at any directors' meeting vote in respect of any contract or arrangement made or proposed to be entered into with the company in which he is interested either as vendor, purchaser or otherwise, and any director who may be in any way interested in any contract or arrangement proposed to be made with the company shall disclose the nature of his interest at the meeting of the directors at which such contract or arrangement is determined on, if his interest then exists, or in any

Directors not to
vote on contracts in which
they have a
personal
interest, etc.

other case at the first meeting of the directors after the acquisition of his interest, and in case he discloses the nature of his interest, and refrains from voting, he shall not be accountable to the company by reason of the fiduciary relationship existing for any profit realized by such contract or arrangement; provided, however, that no director shall be deemed to be in any way interested in any contract or arrangement, nor shall he be disqualified from voting or be held liable to account to the company by reason of his holding shares or being a director in any other company with which a contract or arrangement is made or contemplated; provided, also, that this section shall not apply to any contract by or on behalf of a company to give the directors or any of them security by way of indemnity. 2 Edward VII., cap. 24, s. 1.

Proviso.

Not to purchase shares of in other corporations.

83. The company shall not, under any circumstances, use any of its funds in the purchase of shares or other securities of any other corporation until the directors have been expressly authorized by a by-law passed by them for the purpose and confirmed by a vote of not less than two-thirds in value of those shareholders present in person or by proxy at a general meeting of the company duly called for considering the same.

Provided, always, that if the special Act, or the Letters Patent, or Supplementary Letters Patent, authorize such purchase, it shall not be necessary to pass such by-law. R.S.O. cap. 191, s. 82, as amended by 1 Edward VII., cap. 18, s. 2.

Liability of directors declaring a dividend when company is insolvent, etc.

84. The directors of the company shall not declare or pay any dividend when the company is insolvent, or any dividend the payment of which renders the company insolvent, or diminishes the capital thereof; but if any director present when such dividend is declared, forthwith, or if any director then absent, within twenty-four hours after he has become aware thereof, and able so to do, enters his written protest against the same, and within eight days thereafter causes such protest to be notified, by registered letter, to the Provincial Secretary, such director may thereby, and not otherwise, exonerate himself from liability. R.S.O. cap. 191, s. 83.

How a director may void such liability.

No loan by company to shareholder.

85. No loan shall be made by the company to any shareholder, and if such loan is made all directors and other officers of the company making the same and in any wise assenting thereto, shall be jointly and severally liable to the company for the amount thereof, and also to third parties to the extent of such loan with legal interest, for all debts of the company contracted from time of the making of the loan to that of the repayment thereof. R.S.O. cap. 191, s. 84.

Liability of directors for wages.

86. The directors of the company shall be jointly and severally liable to the labourers, servants, and apprentices

thereof for all debts not exceeding one year's wages due for services performed for the company while they are such directors respectively; but no director shall be liable to an action therefor, unless the company has been sued therefor within one year after the debt became due, nor yet unless such director is sued therefor within one year from the time when he ceased to be such director, nor yet before an execution against the company has been returned unsatisfied in whole or in part; and the amount due on such execution shall be the amount recoverable with costs against the directors. R.S.O. cap. 191, s. 85.

Welch v. Ellis, 22 A.R. 255.

PART VII.

PROSPECTUS AND DIRECTORS' LIABILITY. .

Sections 87 to 92 inclusive of this part are merely a re-enactment of 6 Edward VII. Cap. 27, commonly known as "Hoyle's Bill." The Act was copied almost verbatim from the Imperial Companies Act, 1900, with only such verbal changes as the different mode of incorporation required. It was attempted, however, in this Act to remedy two defects which are apparent in the English Act. That Act applied only to Companies incorporated under the English Companies Act, and it was evaded by incorporating Companies in the Island of Guernsey and elsewhere. This part of the Act is made applicable not only to Companies incorporated under the Ontario Companies Act, but to all Companies selling their shares or securities in Ontario. This part of the Act received considerable attention when it was before the Legislature last session, and further comment upon it appears to be unnecessary.

87.—(1) In this Act the word "prospectus" shall mean any prospectus, notice, circular, advertisement or other invitation offering for subscription or purchase any shares, debentures or other securities of a company, and the word "company" shall mean any company incorporated or proposed to be incorporated. *Imp. Act, 1900, 30.*

"Prospectus,"
meaning of.

(2) This part of this Act shall apply to every company whether formed before or after the commencement of this Act which offers for subscription or sale shares, debentures or other securities and to every company whether incorporated under the laws of the Province of Ontario or otherwise, the shares, debentures or other securities of which are dealt in within the Province of Ontario.

Application of
this part.

88.—(1) Upon any offer of shares to the public for subscription, it shall be lawful for a company to pay a commission to any person in consideration of his subscribing or agreeing to subscribe, whether absolutely or conditionally, for any shares in the company, or procuring or agreeing to procure subscriptions, whether absolute or conditional, for any shares in the company, if the payment of the commission and the amount or rate per cent. of the commission paid or agreed to be paid are respectively authorized by the letters patent or supplementary letters patent and disclosed

Commissions

in the prospectus, and the commission paid or agreed to be paid does not exceed the amount or rate so authorized.

Capital not to be applied in paying commissions except as authorized.

(2) Save as aforesaid, no company shall apply any of its shares or capital money either directly or indirectly in payment of any commission, discount or allowance, to any person in consideration of his subscribing or agreeing to subscribe, whether absolutely or conditionally, for any shares of the company or procuring or agreeing to procure subscriptions whether absolute or conditional, for any shares in the company, whether the shares or money be so applied by being added to the purchase money of any property acquired by the company or to the contract price of any work to be executed for the company, or the money be paid out of the nominal purchase money or contract price, or otherwise.

Brokerage may be paid.

(3) Nothing in this section shall affect the power of any company to pay such brokerage as it has heretofore been lawful for a company to pay. *Imp. 1900, s. 8.*

Burrows v. Matabele, 1901, W.N. 68; 1901, 2 Ch. 23.

Dexter v. United Gold Casket, 1901, W.N. 157.

Hilder v. Dexter, 1902, A.C. 474.

Keatinge v. Paringa, 1902, W.N. 15.

Booth v. New Afikander, 1902, W.N. 212; 1903, 1 Ch. 295.

What companies must file prospectuses.

89.—(1) Every company heretofore or hereafter incorporated under any general or special Act of the Legislature of the Province of Ontario, which increases the number of its shareholders to a number greater by ten than the number of applicants for incorporation or which has its debentures or other securities held by more than ten persons, and every company incorporated otherwise than as above set out which has more than ten shareholders or holders of debentures or other securities within the Province of Ontario, shall file a prospectus in the manner hereafter set out.

(2) All sales, subscriptions or other dispositions of shares, debentures or other securities of any company required in the manner above provided to file a prospectus, shall be deemed as against the company or the signatories to the prospectus to be induced by such prospectus, and any term, proviso or condition of such prospectus to the contrary shall be void.

(3) No subscription for stock, debentures or other securities, induced or obtained by verbal representations, shall be binding upon the subscriber, unless prior to his so subscribing he shall have received a copy of the prospectus.

Date of prospectus.

90.—(1) Every prospectus issued by or on behalf of a company or in relation to any intended company shall be dated, and that date shall, unless the contrary be proved, be taken as the date of publication of the prospectus.

(2) A copy of every such prospectus shall be signed by every person who is named therein as a director or proposed director or provisional director of the company, or by his agent authorized in writing, and shall be filed with the Provincial Secretary, on or before the date of its publication.

(3) The Provincial Secretary shall not receive or file any prospectus unless it is so dated and signed. No prospectus shall be issued until so filed, and every prospectus shall state on the face of it that it has been so filed. *Imp. Act, 1900, 9.*

91.—(1) Every prospectus issued by or on behalf of a company or in relation to any intended company or by or on behalf of any person who is or has been engaged or interested in the formation of the company, shall state:—

- (a) The names, descriptions and addresses of the original incorporators, and the number of shares subscribed for by them respectively;
- (b) The number of shares, if any, fixed as the qualification of a director, and any provision in the by-laws of the company as to the remuneration of the directors;
- (c) The names, descriptions and addresses of the directors or proposed directors;
- (d) The minimum subscription on which the directors may proceed to allotment, and the amount payable on application and allotment on each share; and, in the case of a second or subsequent offer of shares, the amount offered for subscription on each previous allotment, and the amount actually allotted;
- (e) The time or times at which under the by-laws of the company a further call or calls may be made upon shares subscribed for;
- (f) The number and amount of shares issued, or agreed to be issued, as fully or partly paid up otherwise than in cash, and in the latter case the extent to which they are so paid up, and the number and amount of bonds, debentures or other securities issued or to be issued and allotted to any person;
- (g) The names and addresses of the vendors of any property purchased or acquired by the company, or proposed so to be purchased or acquired, which is to be paid for wholly or partly out of the proceeds of the issue offered for subscription by the prospectus, or the purchase or acquisition of which has not been completed at the date of publication of the prospectus and the amount payable in cash, shares, bonds, debentures or otherwise.

tures or other securities to the vendor, and where there is more than one separate vendor, or the company is a sub-purchaser, the amount so payable to each vendor;

Brookes v. Hansen, 1906, 2 Ch. 129.

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|---|--|
| Consideration for purchase | (h) The amount (if any) paid or payable as purchase money in cash, shares or debentures of any such property as aforesaid, specifying the amount payable for good-will; |
| Commissions. | (i) The amount (if any) paid or payable as commission for subscribing, or agreeing to subscribe, or procuring or agreeing to procure subscriptions for any shares in the company, or for underwriting or procuring underwriting of any securities issued or to be issued by the company or the rate of any such commission; |
| Preliminary expenses. | (j) The amount or estimated amount of preliminary expenses; |
| Promoter's remuneration. | (k) The amount paid or intended to be paid to any promoter and the consideration for any such payment; |
| Particulars as to material contracts. | (l) The dates of and parties to every material contract, and a reasonable time and place at which any material contract or a copy thereof may be inspected; provided that this requirement shall not apply to a contract entered into in the ordinary course of the business carried on or intended to be carried on by the company, or to any contract entered into more than three years before the date of publication of the prospectus; |
| Names, etc., of auditors. | (m) The names and addresses of the auditors (if any) of the company; |
| Interest of directors in property taken by company. | (n) Full particulars of the nature and extent of the interest (if any) of every director in the promotion of or in the property proposed to be acquired by the company, with a statement of all sums paid or agreed to be paid to him in cash or shares by any person either to qualify him as a director or otherwise for services rendered by him in connection with the formation of the company. |
- "Vendor," what to include.
- (2) For the purposes of this section the word "vendor" shall extend to and include a vendor who has entered into any contract, absolute or conditional, for the sale or purchase or for any option of purchase, of any property to be acquired by the company in any case where—
- (a) The purchase money is not fully paid at the date of publication of the prospectus; or

(b) The purchase money is to be paid or satisfied wholly or in part out of the proceeds of the issue offered for subscription by the prospectus; or

(c) The contract depends for its validity or fulfilment on the result of such issue.

(3) Where any of the property to be acquired by the company is to be taken on lease, this section shall apply as if the expression "vendor" included the lessor, and the expression "purchase money" included the consideration for the lease, and the expression "sub-purchaser" included a sub-lessee. When "vendor" includes "lessor."

(4) This section shall not apply to a circular or notice inviting existing shareholders or debenture holders of a company to subscribe for further shares or debentures; but subject as aforesaid, this section shall apply to any prospectus whether issued on or with reference to the formation of a company or subsequently; provided that— Application of section.

(a) The requirements as to the original incorporators and the qualification, remuneration, and interest of directors, the names, descriptions and addresses of directors or proposed directors, and the amount or estimated amount of preliminary expenses, shall not apply in the case of a prospectus published more than one year after the date of the first general meeting, and

(b) In the case of a prospectus published more than one year after the date of such meeting, the obligation to disclose all material contracts shall be limited to a period of two years immediately preceding the publication of the prospectus.

(5) Any condition requiring or binding any applicant for shares or debentures to waive compliance with any requirement of this section, or purporting to affect him with notice of any contract, document or matter not specifically referred to in the prospectus shall be void. Waiver of compliance with section to be void.

(6) Where any such prospectus as is mentioned in this section is published as a newspaper advertisement, it shall not be necessary to specify the names of original incorporators and the number of shares subscribed for by them. When prospectus advertised in newspaper.
Imp. Act, 1900, 10.

92.—(1) Every provisional director, director or other person responsible for the issue and publication of such prospectus shall for every violation of the provisions of the next preceding three sections be liable on summary conviction to a penalty not exceeding \$200 and costs, provided that no provisional director, director or other person shall incur any liability by reason of non-compliance with the said section. Penalty.

(a) As regards any matter not disclosed, if he was not cognizant thereof; or

(b) if the non-compliance arose from an honest mistake of fact on his part,

And provided that in the event of non-compliance with the requirements contained in paragraph (n) of subsection (1) of section 5, no director or other person shall incur any liability in respect of such non-compliance unless it is proved that he had knowledge of the matters not disclosed.

Liability under general law not affected.

(2) Nothing in this section or the said preceding three sections shall limit or diminish any liability which any person may incur under the general law apart from this Act. *Imp. Act, 1900, 10 (7).*

Capital to be correctly stated in advertisements, etc.

93.—(1) Where any advertisement, letter head, account or document issued or published by any corporation or any officer, agent or employee, of any such corporation, purports to state the capital of the corporation, then the capital actually and in good faith subscribed and no more shall be so stated.

Penalty.

(2) Any such corporation, officer, agent or employee who causes to be inserted an advertisement or who publishes, issues or causes to be published or issued any advertisement, letter-head, account or document which states, as the capital of such corporation any larger sum than the amount of such subscribed capital so actually and in good faith subscribed as aforesaid, or which contains any false statement as to the incorporation, control, supervision, management or financial standing of such corporation shall be liable, upon summary conviction, to a penalty not exceeding \$200 and costs and not less than \$50 and costs.

Who may prosecute,—application of penalty.

(3) Any one may be prosecutor or complainant under this Act, and one-half of any fine imposed by virtue of this Act, shall, when received, belong to His Majesty for the use of the Province and the other half shall belong to the prosecutor or complainant. *R.S.O. cap. 217.*

Liability for statements in prospectus.

94.—(1) Where after the passing of this Act a prospectus or notice invites persons to subscribe for shares in, or debentures or debenture stock or other security of, a company, every person who is a director of the company at the time of the issue of the prospectus or notice, and every person who having authorized such naming of him is named in the prospectus or notice as a director of the company or as having agreed to become a director of the company either immediately or after an interval of time, and every promoter of the company and every person who has authorized the issue of the prospectus or notice, shall be liable to pay compensation to all persons who shall subscribe for any shares, debentures or debenture stock or other security on the faith of such prospectus or notice for the loss or damage they may have sustained by reason of any untrue statement in the prospectus or notice, or in any report or memorandum appearing on the face thereof, or by reference incor-

porated therein or issued therewith, unless it is proved that having consented to become a director of the company he withdrew his consent before the issue of the prospectus or notice, and that the prospectus or notice was issued without his authority or consent, or that the prospectus or notice was issued without his knowledge or consent, and that on becoming aware of its issue he forthwith gave reasonable public notice that it was so issued without his knowledge or consent, or that after the issue of such prospectus or notice and before allotment thereunder, he, on becoming aware of any untrue statement therein, withdrew his consent thereto, and caused reasonable public notice of such withdrawal and of the reason therefor to be given. Imp. Act, 1896, sec. 3 (1).

R.S.O. Cap. 216 adopted with verbal alterations, the provisions of the Imperial Companies Act of 1890. It has been thought advisable to adhere more strictly to the wording of the Imperial Act. The exceptions of untrue statements made by experts, engineers, valuers or others or contained in public documents are struck out, and the Directors are made responsible for all statements contained in a prospectus

(2) A promoter in this section means a promoter who was a party to the preparation of the prospectus or notice, or of the portion thereof containing such untrue statement, but shall not include any person by reason of his acting in a professional capacity for persons engaged in procuring the formation of the company. Imp. Act, 1890, sec. (3), (2).

95. Where any company, which has issued shares or debentures or other securities, shall be desirous of obtaining further capital by subscriptions for shares or debentures or other securities, and for that purpose shall issue a prospectus or notice, no director of such company shall be liable in respect of any statement therein, unless he shall have authorized the issue of such prospectus or notice, or have adopted or ratified the same. Imp. Act, 1890, sec. 3 (3).

Statements in prospectus for raising further capital.

96. Where any such prospectus or notice as aforesaid contains the name of a person as a director of a company, or as having agreed to become a director thereof, and such person has not consented to become a director, or has withdrawn his consent before the issue of such prospectus or notice, and has not authorized or consented to the issue thereof, the directors of the company (except any without whose knowledge or consent the prospectus or notice was issued) and any other person who authorized the issue of such prospectus or notice shall be liable to indemnify the person named as director of the company, or as having agreed to become a director thereof as aforesaid, against all damages, costs, charges and expenses to which he may be made liable by reason of his name having been inserted in the prospectus or notice, or in defending himself against any action or legal proceedings brought against him in respect thereof. 54 V. c. 34, s. 5. 60 V. c. 3, s. 3; c. 28, s. 95 (3). Imp. Act, 1890, 4.

Indemnity where name of person has been improperly inserted.

Contribution
from co-
director.

97. Every person who by reason of his being a director, or named as a director, or as having agreed to become a director, or of his having authorized the issue of the prospectus or notice, has become liable to make any payment under the provisions of this Act, shall be entitled to recover contribution, as in cases of contract from any other person who, if sued separately, would have been liable to make the same payment. 54 V. c. 34, s. 6; 60 V. c. 3, s. 3; c. 28, s. 95 (4). Imp. Act, 1890, 5.

PART VIII.

COMPANIES OFFERING SHARES FOR PUBLIC SUBSCRIPTION.

This part of the Act is also taken, with a few verbal alterations, from the Imperial Act of 1900, and it is aimed at a fruitful source of loss in the launching of joint stock companies.

It frequently happens that greater difficulty than was anticipated is met in selling shares, and the proceeds of sales are used for the purpose of procuring other sales, so that when the shares are disposed of there is not adequate capital to carry out the undertaking of the Company. The result is that money subscribed and paid is swallowed up in preliminary expenses and litigation, and the concern is doomed to failure from want of capital, and eventually, after a miserable existence it goes into liquidation in an insolvent condition, to the loss not only of its shareholders but of its creditors.

The object of this portion of the Act is to stop this practice by insisting upon a fixed minimum subscription which is to be set out in the Prospectus, and preventing the Company going to allotment or commencing its business until the subscription has been paid. It is not intended that this part of the Act shall apply unless share capital is offered to the public. It is, of course, open to the Directors to fix the minimum subscription, but the public will be able to judge from the Prospectus of the sufficiency to this amount, and to form some estimate of the probable success of the venture.

Restrictions on
allotment.
Imp. 1904, s. 4.

98.—(1) No allotment shall be made of any share capital by a company offering shares for public subscription, unless the following conditions have been complied with, namely:

(a) The amount (if any) named in the prospectus as the minimum subscription upon which the directors may proceed to allotment; or,

(b) If no amount is so fixed and named, then the whole amount of the share capital so offered for subscription

has been subscribed, and the sum payable on application for the amount so fixed and named, or for the whole amount offered for subscription has been paid to and received by the company.

(2) The amount so fixed and named and the whole amount aforesaid shall be reckoned exclusively of any amount payable otherwise than in cash, and is in this Act referred to as the minimum subscription.

(3) The amount payable on application on each share shall not be less than five per cent. of the nominal amount of the share.

(4) If the conditions aforesaid have not been complied with on the expiration of forty days after the first issue of the prospectus, all money received from applicants for shares shall be forthwith repaid to the applicants without interest, and if any such money is not so repaid within forty-eight days after the issue of the prospectus, the directors of the company shall be jointly and severally liable to repay that money with interest at the rate of five per centum per annum from the expiration of the forty-eight days; provided that a director shall not be liable if he proves that the loss of the money was not due to any misconduct or negligence on his part.

(5) Any condition requiring or binding any applicant for shares to waive compliance with any requirement of this section shall be void.

(6) This section, except subsection (3) thereof, shall not apply to any allotment of shares subsequent to the first allotment of shares offered to the public for subscription. *Imp. Act, 1900, 4.*

Finance and Issue Ltd. v. Canadian Produce Corporation, 1904, W.N. 175, 1905, 1 Ch. 37. Mears v. Western Canada Pulp and Paper Co., 1905, 2 Ch. 353.

99.—(1) An allotment made by a company to an applicant in contravention of the foregoing provisions of this part of this Act shall be voidable at the instance of the applicant within one month after the holding of the statutory meeting of the company, and not later, and shall be so voidable notwithstanding that the company is in course of being wound up.

Effect of irregular allotment. *Imp. 1904, s. 5.*

(2) If any director of a company knowingly contravenes or permits or authorizes the contravention of any of the foregoing provisions of this part of this Act with respect to allotment he shall be liable to compensate the company and the allottee respectively for any loss, damages or costs which the company or the allottee may have sustained or incurred thereby; provided that proceedings to recover such loss, damage or costs shall not be commenced after the expiration of two years from the date of the allotment. *Imp. Act, 1900, 5.*

100.—(1) A company shall not commence any business or exercise any borrowing powers unless:

Restrictions on commencement of business. *Imp. 1900, s. 6.*

(a) Shares held, subject to the payment of the whole amount thereof in cash, have been allotted to an amount not less in the whole than the minimum subscription; and

- (b) Every director of the company has paid to the company on each of the shares taken or contracted to be taken by him, and for which he is liable to pay in cash, a proportion equal to the proportion payable on application and allotment on the shares offered for public subscription; and
 - (c) There has been filed with the Provincial Secretary a statutory declaration by the secretary or one of the directors, in the prescribed form, that the aforesaid conditions have been complied with.
- (2) The Provincial Secretary shall, on the filing of this statutory declaration, certify that the company is entitled to commence business, and that certificate shall be conclusive evidence that the company is so entitled.
- (3) Any contract made by a company before the date at which it is entitled to commence business shall be provisional only, and shall not be binding on the company until that date, and on that date it shall become binding.
- (4) Nothing in this section shall prevent the simultaneous offer for subscription of any shares and debentures or the receipt of any application.

(5) If any company commences business or exercises borrowing powers in contravention of this section every person who is responsible for the contravention shall, without prejudice to any other liability, be liable on summary conviction to a fine not exceeding fifty dollars for every day during which the contravention continues.

In re Otto Electrical Manufacturing Co., 1906, W.N. 154.

(6) Nothing in this section shall apply to a company incorporated before the commencement of this Act. *Imp. Act, 1900, 6.*

Return of
allotments.

101.—(1) Whenever a company makes any allotment of its shares the company shall, within one month thereafter, file with the Provincial Secretary:

- (a) A return of the allotments, stating the number and nominal amount of the shares comprised in the allotment, the names, addresses and descriptions of the allottees, and the amount (if any) paid or due and payable on each share; and
- (b) In the case of shares allotted in whole or in part for a consideration other than cash, a contract in writing constituting the title of the allottee to such allotment, together with any contract of sale, or for services or other consideration in respect of which such allotment was made and a return stating the number and nominal amount of shares so allotted, the extent to which they are to be treated as paid up, and the consideration for which they have been allotted.

(2) If default is made in complying with the requirements of this section every director, manager, secretary or other officer of the company who is, knowingly, a party to the default, shall be liable upon summary conviction to a fine not exceeding fifty dollars for every day during which the default continues. *Imp. Act, 1900, 7.*

102.—(1) Every company shall, within a period of not less than one month nor more than three months from the date at which the company is entitled to commence business, hold a general meeting of the shareholders of the company, which shall be called the statutory meeting. Statutory meetings.

(2) The directors shall, at least ten days before the day on which the meeting is held, forward to every shareholder of the company a report certified by not less than two directors of the company, stating:

- (a) The total number of shares allotted, distinguishing shares allotted as fully or partly paid up otherwise than in cash, and stating in the case of shares partly paid up the extent to which they are so paid up, and in either case the consideration for which they have been allotted;
- (b) The total amount of cash received by the company in respect of such shares, distinguished as aforesaid;
- (c) An abstract of the receipts and payments of the company on capital account to the date of the report, and an account or estimate of the preliminary expenses of the company;
- (d) The names, addresses and descriptions of the directors, auditors (if any), manager (if any), and secretary of the company; and
- (e) The particulars of any contract, the modification of which is to be submitted to the meeting for its approval, together with the particulars of the modification or proposed modification.

(3) The report shall, so far as it relates to the shares allotted by the company, and to the cash received in respect of such shares, and to the receipts and payments of the company on capital account, be certified as correct by the auditors, if any, of the company.

(4) The directors shall cause a copy of the report, certified as by this section required, to be filed with the Provincial Secretary forthwith after the sending thereof to the members of the company.

(5) The directors shall cause a list showing the names, descriptions and addresses of the shareholders of the company, and the number of shares held by them, respectively, to be produced at the commencement of the meeting, and to remain open and accessible to any shareholder of the company during the continuance of the meeting.

(6) The shareholders of the company present at the meeting shall be at liberty to discuss any matter relating to the formation of the company, or arising out of the report, whether previous notice has been given or not, but no resolution of which notice has not been duly given may be passed.

(7) The meeting may adjourn from time to time, and at any such adjourned meeting any resolution of which notice has been duly given, either before or subsequently to the former meeting, may be passed, and the adjourned meeting shall have the same powers as an original meeting.

(8) If default is made in filing such report as aforesaid or in holding the statutory meeting, then at the expiration of fourteen days after the last day on which the meeting ought to have been held any shareholder may petition the Court for the winding up of the company in the manner hereinafter provided in that behalf, and, upon the hearing of the petition, the Court may either direct that the company be wound up or give directions for the report being filed or a meeting being held, or make such other order as may be just, and may order that the costs of the petition be paid by any persons who, in the opinion of the Court, are responsible for the default. Imp. Act, 1900. 12.

Application of
this part.

103. This part of this Act shall apply to all companies offering shares for public subscription.

PART IX.

BOOKS, INSPECTIONS AND AUDITORS.

Record books
to be kept and
what to con-
tain.

104. The corporation shall cause the secretary, or some other officer especially charged with that duty, to keep a book or books wherein shall be kept recorded:—

- (a) A copy of the Letters Patent incorporating the corporation and of any Supplementary Letters Patent issued to the corporation and if incorporated by Special Act, a copy of such Act;
- (b) The names, alphabetically arranged, of all persons who are or have been shareholders or members of the corporations;
- (c) The post office address and calling of every such person while such shareholder or member;
- (d) The names, post office addresses and callings of all persons who are or have been directors of the corporation, with the several dates at which each person became or ceased to be such director.

And in cases of companies having share capital—

- (e) The number of shares held by each shareholder;

- (f) The amounts paid in, and remaining unpaid, respectively, on the shares of each shareholder;
- (g) The date and other particulars of all transfers of shares in their order. R.S.O. cap. 191, s. 71.

This is section 71 modified to cover corporations without share capital as well as companies.

105. The books referred to in the preceding section as well as those referred to in section 111 shall be kept at the head office of the company within the province, whether the company is permitted to hold its meetings out of the Province or not. Any director, officer or employee of a company who shall remove or assist in removing such books from the Province or who shall act contrary to the provisions of this section shall be liable on summary conviction to a penalty of \$200.00. *New.*

Books to be kept at head office.

106. No director, officer or servant of the corporation shall knowingly make or assist to make any untrue entry in any book or books of the company, or shall refuse or neglect to make any proper entry therein; and any person violating wilfully the provisions of this section shall, besides any criminal liability which he may thereby incur, be liable in damages for all loss or injury which any person interested may have sustained thereby. R.S.O. 1897, cap. 191, s. 72.

Penalty for false entries.

107.—(1) If the name of any person is without sufficient cause, entered in or omitted from such book or books of the corporation, or if default is made or unnecessary delay takes place in entering in said books the fact of any person having ceased to be a shareholder or member of the corporation, the person or shareholder or member aggrieved, or any shareholder or member of the corporation, or the corporation itself may apply to a Judge of the High Court of Justice for an order that the book or books be rectified, and the Judge may either refuse such application, with or without costs to be paid by the applicant, or he may make an order for the rectification of the said book or books, and may direct the corporation to pay the costs of such motion or application and any damages the party aggrieved may have sustained. The Judge may in any proceeding under this section, decide on any question relating to the title of any person who is a party to such proceeding to have his name entered in or omitted from the said books of the corporation whether such question arises between two or more shareholders, or alleged shareholders or members, or between any shareholders or alleged shareholders or members and the corporation, and the Judge may in any such proceeding decide any question which it may be necessary or expedient to decide for the rectification of the said books.

Powers of Judge as to entries in, omissions from and rectification of books.

Costs.

Decision as to title.

This is section 73 modified to cover corporations without share capital and with the words "if satisfied of the justice of the case" struck out of the 10th line as surplusage.

Appeal.

(2) The Judge may direct an issue to be tried in which any question of law may be raised.

(3) An appeal shall lie, as in ordinary cases, from the decision of such Judge.

(4) This section shall not deprive any Court of any jurisdiction it may have. R.S.O. cap. 191, s. 73.

Books to be open for inspection.

108. Such books shall during reasonable business hours of every day, except Sundays and holidays, be kept open for the inspection of shareholders, members and creditors of the corporation and their personal representatives or agents, at the head office or chief place of carrying on its undertaking, and every such shareholder, member, creditor, agent or representative, may make extracts therefrom. R.S.O. cap. 191, s. 74.

See 88 with verbal changes.

Liability for refusal to allow inspection of books.

109. Any director or officer who refuses to permit any person entitled thereto to inspect such book or books, or make extracts therefrom, shall be liable upon summary conviction to a penalty of \$100. R.S.O. cap. 191, s. 75, *amended*.

Section 75 amended by making the penalty recoverable on summary conviction. Under the *Summary Conviction Act* the person convicted may be imprisoned if the fine is not paid.

Books to be *prima facie* evidence.

110. Such books shall be *prima facie* evidence of all facts purporting to be thereby stated, in any action or proceeding against the corporation or against any shareholder or member. R.S.O. cap. 191, s. 76.

Books of account to be kept.

111. The directors shall cause proper books of account to be kept containing full and true statements:—

(a) Of the financial transactions of the corporation;

(b) Of the assets of the corporation;

(c) Of the sums of money received and expended by the corporation, and the matters in respect of which such receipt or expenditure takes place, and

(d) Of the credits and liabilities of the corporation; and also a book or books containing minutes of all the proceedings and votes of the corporation, or of the board of directors, respectively, and the by-laws of the corporation, duly authenticated, and such minutes shall be verified by the signature of the president, or other presiding officer of the corporation. R.S.O. cap. 191, s. 77.

This is section 77 with s.s. b changed, "assets" being substituted for stock in trade.

112. If any person in any return, report, certificate, balance-sheet or other document required by or for the purposes of this Act, wilfully makes a statement false in any material particular he shall be liable on summary conviction to imprisonment not exceeding three months, with or without hard labour, and to a fine of \$100 in lieu of or in addition to such imprisonment as aforesaid. R.S.O. cap. 191, s. 97, *amended*.

False returns, etc.

This is section 97 changed so that conviction or indictment is omitted and the process on summary conviction made applicable in all cases.

113.—(1) Upon an application by not less than one-fifth in value of the shareholders of a company, or one-fifth in number of the members of a corporation without share capital, a Judge of the High Court of Justice may appoint an inspector to investigate the affairs and management of the corporation. Such inspector shall report thereon to the Judge, and the expense of such investigation shall, in the discretion of the Judge, be defrayed by the corporation or by the applicants, or partly by the corporation and partly by the applicants, as he may order, and he may require the applicants to give security to cover the probable cost of the investigation, and he may make rules and prescribe the manner in which and the extent to which the investigation shall be conducted; or the Judge may examine the officers or directors of the company under oath as to matters that shall come in question.

The Court may appoint an inspector.

(2) A corporation may by resolution passed at the annual meeting, or at a special general meeting called for the purpose, appoint an inspector to examine into the affairs of the corporation. The inspector so appointed shall have the same powers and perform the same duties as an inspector appointed by a Judge of the High Court of Justice, and he shall make his report in such manner and to such persons as the corporation by said resolution directs.

Examination by company.

Powers and duties of inspector.

(3) It shall be the duty of all officers and agents of the corporation to produce for the examination of any such inspector all books and documents in their custody or power. Any such inspector may examine upon oath the officers and agents of the corporation in relation to its business, and may administer such oath accordingly. If any officer or agent refuses to produce any book or document hereby directed to be produced, or to answer any question relating to the affairs of the corporation, he shall upon summary conviction be liable to a fine not exceeding \$20, in respect of each offence. R.S.O. cap. 191, s. 80, *amended*.

Production of books and documents.

Examination on oath.

Penalty for non-production.

Section 80 made applicable to all corporations.

In s.s. (2) the words "with this exception that instead of making his report to the Judge" struck out as surplusage.

In s.s. (3) the provision for a penalty is struck out and the person offending made liable on summary conviction.

Accounts shall
be audited.

114. The accounts of the corporation shall be examined once at least in every year, and the correctness of the balance-sheet shall be ascertained by an auditor or auditors. R.S.O. cap. 191, s. 87, *amended*.

Under the former Act an audit of the books of the company was not obligatory unless the Letters Patent or by-laws of the Company so required. This section makes an annual audit compulsory. This will cause no hardship, although such an audit should be made by an independent auditor, and in large undertakings this is usually done. In small companies or close corporations the audit may be made by a member, shareholder or employee.

First auditors.

115. The first auditors of the corporation may be appointed by the directors before the first meeting of the shareholders or members, and the auditors so appointed shall hold office until the first general meeting. *New*. Imp. Act 1900, s. 21, ss. 4.

Appointment
of auditors.

116. Thereafter the auditors shall be appointed by resolution at a general meeting of the corporation; they shall hold office until the next annual meeting unless previously removed by a resolution of the shareholders or members in general meeting. R.S.O. cap. 191, s. 88, *amended*.

Auditors
may be
shareholders.

117. The said auditors may be shareholders or members of the corporation, but no person shall be eligible as an auditor who is interested, otherwise than as a shareholder or member, in any transaction of the corporation, and no director or other officer of the corporation shall be eligible during his continuance in office. R.S.O. cap. 191, s. 89.

Provincial
Secretary may
appoint.

118. If an appointment of auditors is not made at an annual meeting, the Provincial Secretary may, on the application of any member or shareholder of the corporation, appoint an auditor of the corporation for the current year, and fix the remuneration (if any) to be paid to him by the corporation for his services. *New*.

This section is new and provides for the appointment of auditors by the Provincial Secretary where the Corporation neglects or refuses to do so. There is a similar provision in the English Companies Act whereby under similar circumstances auditors are appointed by the Board of Trade.

Directors may
fill vacancies.

119. The directors of a corporation may fill any casual vacancy in the office of auditor, but while any such vacancy continues the surviving or continuing auditor or auditors (if any) may act, and any auditor shall be eligible for re-appointment. *New*. Imp. Act 1900, s. 21, ss. 5.

120. The remuneration of the auditors of a corporation shall be fixed by the corporation in general meeting, except that the remuneration of any auditors appointed before the first general meeting or to fill any casual vacancy may be fixed by the directors. *New. Imp. Act 1900, s. 22.*

Remuneration
of auditors.

121. Every auditor of a corporation shall have the right of access at all times to the books, accounts and vouchers of the corporation, and shall be entitled to require from the directors and officers of the corporation such information and explanation as may be necessary for the performance of his duties, and the auditors shall sign a certificate at the foot of the balance sheet stating whether or not their requirements as auditors have been complied with and shall make a report to the shareholders or members on the accounts examined by them, and on every balance sheet laid before the corporation in general meeting during their tenure of office; and in every such report shall state whether, in their opinion, the balance sheet referred to in the report is properly drawn up so as to exhibit a true and correct view of the state of the corporation's affairs as shown by the books of the corporation; and such report shall be read before the corporation in general meeting. *New. Imp. Act 1900, s. 23.*

Rights and
duties of
auditors.

Newton v. Birmingham Small Arms Co., 1906, W. N. 146.

PART IX.

RETURNS AND FEES.

122.—(1) The corporation shall, on or before the first day of February in every year, make out a summary, verified as hereinafter required, containing as of the thirty-first day of December preceding, correctly stated, the following particulars:—

Annual summary of the affairs of the company.

- (a) The corporate name of the corporation;
- (b) The manner in which the corporation is incorporated, whether by special Act, or by letters patent, and the date thereof;
- (c) The name, residence and post office address of the president, secretary, and treasurer of the corporation;
- (d) The name, residence and post office address of each of the directors of the corporation;
- (e) The date upon which the last annual meeting of the corporation was held;

Contents of
summary.

In case of companies having share capital in addition—

- (f) The place of the head office, giving street and number when possible;

- (g) The amount of the capital of the company and the number of shares into which it is divided;
- (h) The number of shares subscribed for and allotted;
- (i) The amount of stock (if any) issued fully paid as consideration for any transfer of assets, good will or otherwise; if none is so issued, this fact to be stated;
- (j) The amount of calls made on each share;
- (k) The total amount of calls received;
- (l) The total amount of shares forfeited;
- (m) The total amount of shares issued as preference shares and the rate of dividend thereon;
- (n) The total amount paid on such shares;
- (o) The total amount of debentures, stock, bonds, or debentures authorized, and the rate of dividend thereon;
- (p) The total amount of debenture stock, bonds or debentures issued;
- (q) The total amount realized from debentures, debenture stock, and bonds;
- (r) The total number of share warrants issued and the names and addresses of the persons to whom same were issued.

If the company be a mining company

- (s) The number of shares sold or otherwise disposed of at a discount or premium;
- (t) The rate at which such shares were sold or disposed of;
- (u) Whether a sworn copy of the by-laws, if any, providing for the sale of stock at a discount or otherwise, was sent to the Provincial Secretary as the law requires;
- (x) The date, or dates, upon which such by-laws, if any, were passed and sanctioned.

List of
shareholders.

(2) In cases of companies having share capital the summary shall also contain a list of persons who, on the 31st day of December previously, were shareholders of the company; and such list shall state the names alphabetically arranged, and the address and occupation of each such person; the amount of stock held by each; and the amount, if any, unpaid and still due by each such person.

(3) A duplicate of such summary with the affidavit of verification, shall be posted up in a conspicuous position in the head office of the company on or before the 2nd day of February in each year, and shall be available for inspection by any shareholder or creditor of the company; and the company shall keep the same so posted until another summary is posted under the provisions of this Act. ^{Posting thereof.}

Turner v. Hiawatha Gold Co., 3 Ont. 547.

(4) The summary of every corporation shall be verified by the affidavit of the president and secretary, and if there are no such officers, or they, or either of them, are, or is, at the proper time out of this Province or otherwise unable to make the same, by the affidavit of the president or secretary and one of the directors, or two of the directors, as the case may require; and if the president or secretary does not make or join in the affidavit the reason thereof shall be stated in the substituted affidavit. (*As amended by 63 V. c. 23, s. 4.*) ^{Verification thereof.}

(5) The summary, verified as aforesaid, shall, on or before the 8th day of February next after the time hereinbefore fixed for making the summary, be transmitted to the Provincial Secretary. ^{Deposit with Provincial Secretary.}

(6) If a corporation makes default in complying with the provisions of this section, the corporation shall incur a penalty of \$20 for every day during which the default continues, and every director, manager or secretary of the corporation, who knowingly and wilfully authorizes or permits such default, shall incur the like penalty, but such penalties shall be recoverable only by action at the suit of or brought by a private person suing on his own behalf with the written consent of the Attorney-General of the Province of Ontario. ^{Penalty for default.}

(7) This section shall not apply to any corporation until the 1st day of February next after the 31st day of December, after the corporation has been organized, or has gone into actual operation, whichever shall first happen. R.S.O. cap. 191, s. 79. ^{When section not to apply.}

This is section 79 changed in order to make the return shew more clearly the position of the Company in respect of its dealings with its shares.

(b) The date of incorporation added for departmental convenience.

(i) Former paragraph (j) was as follows:—"The amount of stock issued free from call, etc." This question is indefinite, and the change is made so that the answer should be what it is submitted was intended.

(m) to (r) are new.

(s) to (x) are also new. They were in the return form sent out by the department for years past although without statutory authority.

Former subsection (2) is struck out as surplusage.

Former subsection (3) is subsection (2). (a) without change.

Former subsection (4) is struck out as unnecessary.

Former subsection (5) struck out as surplusage.

Former subsection (6) as amended by 63 Vic. c. 23, s. 4, subsection 3.

Former subsection (7) is reproduced as subsection (2) *b* changed to provide that the summary should not only be posted in a conspicuous place, but be available for inspection, and the latter part subsection 4.

Former subsection (8) is reproduced is subsection (5) with the addition that the penalties may be recovered only with the approval of the Attorney-General.

Former subsection (9) is reproduced as subsection (6) with the last ten lines struck out as unnecessary.

Former subsection (10) is struck out. The intention of the section is that all companies, whether for gain or not, should make returns. Corporations and companies without gain for their object are required only to make return of the names and addresses of their officers, which should be available. In cases of companies heretofore incorporated where the returns required by the section are onerous and unnecessary, relief may be given by Order-in-Council.

Fees on letters patent, etc., to be fixed by Order-in-Council.

123.—(1) The Lieutenant-Governor in Council may from time to time, establish, alter and regulate the tariff of fees to be paid to the Provincial Secretary on applications, returns, filings, and all transactions under this Act; and may prescribe the form of proceedings and record in respect thereof, and all other matters requisite for carrying out the objects of this Act.

(2) Such fees may be made to vary in amount, under any rule or rules—as to nature of the corporation, amount of capital and otherwise—that may be deemed expedient.

Restriction.

(3) No step shall be taken in the Department towards the issue of any letters patent or supplementary letters patent, or the filing of any document under this Act, until all fees therefor and all fees due the Department for any other service have been duly paid. R.S.O. cap. 191, s. 95, *amended*.

(1) This is section 95, subsection (1), modified to make it clear that fees are payable to the Department of the Provincial Secretary, and fees for filings and other transactions may be fixed by the Lieutenant-Governor in Council. This subsection renders subsection 4 of section 95, 63 Vic. c. 23, s. 5, and 4 Ed. VII, c. 10, s. 45, *unnecessary*.

(2) Subsection (2) without change.

(3) Subsection (3) amended to cover fees for all services.

No compliance with Act to file returns, etc., without payment of fees.

124. No tender or transmission of any return, by-law or other document shall be deemed to be a due compliance with the provisions of this Act unless and until the prescribed fee for receiving and filing the same has been paid to and has been accepted by the Provincial Secretary. *New*.

This section is new and is for the purpose of making payment of fees to the Department necessary for the validity of all transactions with the Department.

Evidence of by-laws.

125. A copy of any by-law of the corporation under its seal and purporting to be signed by any officer of the corporation or a certificate, similarly authenticated, to the

effect that a person is a shareholder or member of the corporation that a call or calls or dues, assessments or other payments has or have been made are due and have not been paid shall be received as *prima facie* evidence of the by-law or of the statements contained in such certificate in all Courts in Ontario. R.S.O. cap. 191, s. 66.

126. Any writ, notice, order or proceeding requiring authentication by the corporation may be signed by any director, manager or other authorized officer of the corporation, and need not be under the seal of the corporation. R.S.O. cap. 191, s. 67. Authentication of summons and notices.

127. A notice to be served by the corporation upon a shareholder or member may be served either personally or by sending it through the post, in a registered letter, addressed to the shareholder or member at his place of abode as it last appeared on the books of the corporation. R.S.O. cap. 191, s. 68. Service of notices.

128. A notice or other document served by post by the corporation on a shareholder or member shall be held to be served at the time when the registered letter containing it would be delivered in the ordinary course of post; and to prove the fact and time of service it shall be sufficient to prove that such letter was properly addressed and registered, and was put into the post office, and the time when it was put in, and the time requisite for its delivery in the ordinary course of post. R.S.O. cap. 191, s. 69. Time of service.
Proof of service.

PART XI.

MINING COMPANIES.

This section enacts the provisions of *The Ontario Mining Companies Incorporation Act*, with some changes in form and a few in substance.

The Act referred to is applicable to all mining companies without exception. In many cases applicants desired to put themselves in a position to be unable to avail themselves of the provisions enabling the company to issue shares at a discount. There was some difficulty in this, but it may now be accomplished by not making this part of the Act applicable to the company. The objects of all such companies, set out in section 4, were found not to be what was required in all cases. Oil and gas companies are not specially provided for. It was thought advisable to strike out the section and vary the objects as occasion required.

The object of the section, as was that of the former Act, is to relieve the shareholder from liability on unpaid shares. This is done in two ways, (1) to issue the shares at a discount, when the shareholder pays all he agrees, and (2) to issue subject to call, and if calls are made the shareholder is not obliged to pay, and the company may sell the shares for the purpose of obtaining payment elsewhere.

129. No shareholder in any mining company incorporated under this Act and made by the Letters Patent subject to the provisions of this part of this Act, holding shares No liability.

issued as herein provided, shall be personally liable for non-payment of any calls made upon his shares beyond the amount paid or agreed to be paid therefor, nor shall such shareholder be personally liable for any debt contracted by the company or for any sum payable by the company. R.S.O. cap. 197, s. 5, ss. 5, *amended*.

This is section 5, subsection 5, amended by inserting the words "incorporated under the Act and made by the Letters Patent subject to the provisions of this part of the Act" and with the words "beyond the amount paid or agreed to be paid therefor" added.

Shares issued
at discount.

130. No shares shall be issued at a discount or any other rate unless authorized by a by-law of the company confirmed by a majority of the shareholders thereof, at a meeting duly called for considering the same, fixing and declaring the rate and any other terms and conditions of issue. R.S.O. cap. 197, s. 5, ss. 1, *in part, amended*.

This is a part of section 5, subsection 1, with the change that the by-law must be confirmed of by the shareholders of the company.

By-law must be
verified.

131. A copy of such by-law shall, within twenty-four hours after the same was confirmed, be by registered letter transmitted to the Provincial Secretary, and such copy shall be verified as a true copy by the joint affidavit of the president and secretary, and if there are no such officers, or they, or either of them, are, or is, at the proper time unable to make the same, by the affidavit of the president or secretary and one of the directors, or two of the directors, as the case may require; and if the president or secretary does not make or join in the affidavit the reason thereof shall be stated in the substituted affidavit. R.S.O. cap. 197, s. 5, ss. 1, *in part*.

This is the latter part of section 5, subsection 1 without change.

"No personal
liability" to
appear on
documents
issued by com-
pany.

132. Every such mining company shall have written or printed, immediately after or under the name of such company, wherever such name may be used by the company or any director, officer, servant or employee thereof, and shall have engraved upon its seal the words "NO PERSONAL LIABILITY"; and upon every share certificate issued by the company, distinctly written or printed in red ink, where such share certificates are issued in respect of shares subject to call, the words "SUBJECT TO CALL"; or if in respect to shares not subject to call, the words "NOT SUBJECT TO CALL," according to the fact. R.S.O. cap. 197, s. 5, ss. 2, 3, *amended*.

Certificates of
shares, what to
contain.

This is section 5, subsections 2 and 3 run together and the particular places where the name of the company may be used, struck out and the section made applicable to all places where the name is used by the company or its officers.

Sale of shares
no non-pay-
ment of calls.

133. In the event of any call or calls on shares in a company subject to the provisions of this part of this Act remaining unpaid by the holder thereof for a period of

sixty days after notice and demand of payment, such shares may be declared to be in default, and the secretary of the company may advertise such shares for sale at public auction to the highest bidder for cash by giving notice of such sale in a newspaper published at the place where the principal office of the company is situated, or in case no newspaper is published thereat, then in a newspaper published at the nearest place to said office once a week for four successive weeks; and said notice shall contain the numbers of the share certificates in respect of such shares and the number of shares, the amount of the call or calls due and unpaid and the time and place of sale; and in addition to the publication of the notice aforesaid, notice shall be personally served upon such shareholder by registered letter mailed to his last known address; and if the holder of such shares fails to pay the amount due upon such shares with interest upon the same and cost of advertising before the time fixed for such sale, the secretary shall proceed to sell the same, or such portion thereof as shall suffice to pay such calls together with interest and cost of advertising; provided that if the price of the shares so sold exceeds the amount due with interest and costs thereon, the excess thereof shall be paid to the defaulting shareholder. R.S.O. cap. 197, s. 5, ss. 4.

This is section 5, subsection 4, without substantial change, the times of advertising being made specific.

134. A company which acts in contravention of any provision of this part of the Act, and every director, manager, officer or agent thereof, shall be liable on summary conviction to a fine of \$200 and costs. R.S.O. cap. 197, s. 7, *amended*. Penalty.

Section 7, with the penalty made recoverable on summary conviction.

135. Notwithstanding anything contained in this part of this Act, the directors of the company shall be liable as provided by section 86 of this Act. R.S.O. cap. 197, s. 8, *amended*. Liability of Directors for wages.

Section 8 repeated word for word the provisions of section 80.

PART XII.

TRUST COMPANIES.

136.—(1) No company shall be incorporated, or otherwise authorized, by Letters Patent to execute the office of executor, administrator, trustee, receiver, assignee, guardian of a minor's estate or committee of a lunatic's estate, and no Letters Patent shall be granted to any company heretofore incorporated conferring any such powers upon such company unless such company complies with the provisions of this part of this Act. R.S.O. cap. 206, s. 4. Companies to which Act applies.

137. At all times at least three-fourths of the shares of a company incorporated under the provisions of this part of this Act, shall be held by persons who are residents of this Province, or by companies incorporated under the laws of this Province. If at any time it is shewn to the satisfaction of the Lieutenant-Governor-in-Council that less than three-fourths of the shares of the company are held as aforesaid, the letters patent incorporating the company may be forfeited under the provisions of section 22 of this Act. R.S.O. cap. 2 of s. 4, ss. 2, *amended*.

R.S.O. Cap. 206, section 4 (2) amended. The former section provided that residents of the Province should be incorporators and shareholders to the extent of three-fourths of the capital and there was no provision for enforcing the section.

Companies not to act as guardians or committees.

138. No company shall receive authority by letters patent to become or be appointed guardian of the persons of infants or committee of the persons of lunatics. R.S.O. cap. 206, s. 5.

Regulation recording applications.

139. The Lieutenant-Governor-in-Council may from time to time make regulations regarding notice of application for incorporation of trust companies, the objects of incorporation and evidence that the general fitness of the applicants for the discharge of the duties appertaining to such trusts as aforesaid is such as to command the confidence of the public, and that the public convenience and advantage will be promoted by granting to the company the powers applied for. *New*.

This section authorizes regulations to cover the provisions of R.S.O. Cap. 206, section 5, subsections 3, 4, 5, and section 6.

Liability of trust companies.

140. The liability of a trust company to persons interested in an estate held by the company as executor, administrator, trustee, receiver, assignee, guardian or committee as aforesaid, shall be the same as if the estate had been held by any private person in the like capacity, and its powers shall be the same. R.S.O. cap. 206, s. 9.

Provincial Secretary may investigate.

141. The Provincial Secretary may, from time to time, appoint a person to investigate the affairs and management of any trust company; and such person shall report thereon and upon the security afforded to those by or for whom the engagements of the company are held; and the expense of such investigations shall be defrayed by the company; and such person may examine the officers or directors of the company under oath for the purposes of such investigation. R.S.O. cap. 206, s. 10, *in part, amended*.

This is section 10 (1) and (2) amended so that the right of inspection in the hands of the Provincial Secretary alone, and not in the hands of the Court.

Trust companies not to issue debentures.

142. No company incorporated under this Act, or chapter 157 of the Revised Statutes of Ontario, 1887, or chapter 206 of the Revised Statutes of Ontario, 1897, or any

other general Act with power to execute the office of executor, administrator, trustee, receiver, assignee, guardian of a minor, committee of a lunatic, shall issue debentures. R.S.O. cap. 206, s. 12.

Rev. Stat.
c. 191.

PART XIII.

COMPANIES OPERATING MUNICIPAL FRANCHISES AND PUBLIC UTILITIES.

There are a number of Acts relating to the operation and control of public franchises. (R.S.O., Cap. 194, *The Timber Slide Companies Act*; R.S.O. Cap. 195, *The Act respecting Joint Stock Companies for the Construction of Piers, Wharves, Dry-Docks and Harbours*; R.S.O., Cap. 196, *The Act respecting Joint Stock Companies for the Erection of Exhibition Buildings*; R.S.O., Cap. 213, *The Act respecting Cemetery Companies*.)

The passing of separate Acts relating to different classes of public Companies necessitates repetition and an anomalous state of affairs which can be best described by mentioning a few instances.

The Timber Slide Companies Act provides that the Company shall have a lien on timber floated through its improvements. There is a similar provision in R.S.O., Cap. 142, *An Act for Protecting the Public Interest in Rivers, Streams and Creeks*.

The Cemetery Companies Act provides for the care and maintenance of Cemeteries controlled by Companies, but there is no provision of a similar nature relating to Cemeteries controlled by trustees, or in other ways.

It would appear to be more logical that there should be provisions relating to the control of all Cemeteries whether operated by Companies, by individuals or by trustees, and inserted in *An Act to regulate Cemeteries* or in *The Public Health Act*.

The object of this part of the Act is to gather together such sections as generally apply to all Companies operating public utilities, and although the repealed clauses of this Act provide for the repeal of the Act above mentioned, it will be necessary to carefully scrutinize those Acts for the purpose of ascertaining what sections of them are covered by this part, and what will be necessary to be inserted in some other Act.

143. This part of the Act shall apply to all applications for incorporation of companies intended to operate or control any public or municipal franchise, undertaking or utility or which may require for its purposes the erection of any permanent structure in or upon any highway, stream or adjoining navigable waters, and to such companies when incorporated. *New.*

Application of
this part of Act.

144. With the application for incorporation the applicants shall produce to the Provincial Secretary:

Material to be
produced in
application.

- (a) Evidence that the proposed capital is sufficient to carry out the objects for which the company is to be incorporated; that such capital has been subscribed or underwritten and that the applicants are likely to command public trust and confidence in the undertaking;

- (b) A detailed description of the plant, works and intended operations of the company, and an estimate of their cost;
- (c) A by-law of the municipality in which the operations of the company are to be carried on authorizing the execution thereof in the manner set out in the detailed description above referred to;
- (d) If the undertaking of the company is to be carried on in more than one municipality, then a by-law of each, as hereinbefore provided;
- (e) If the undertaking is to be carried on in an unorganized district, a report from the Minister of Lands, Forests and Mines approving of the undertaking. *New.*

Notice of application.

145. Notice of the application shall be published in such manner and shall be given to such persons or corporations as the Provincial Secretary may determine. *New.*

Existence of company.

146. The term of existence of the company shall not be longer than thirty years, and may be further limited by the Letters Patent. *New.*

Limitations in charter.

147. The Letters Patent may limit (1) the rate of dividend payable on the shares of the capital stock of the company and on debentures or other securities, and (2) the amount which the company may borrow on debentures, mortgages or other securities. *New.*

Rights of municipality preserved.

148. No provision contained herein or in the Letters Patent of the company regarding the issue of debentures or other securities or the making of mortgages to secure the same shall in any way prejudice the right which any municipality may have under the statute in that behalf to take possession of the plant and undertaking of the company.

Company may make by-law.

149. The company may pass by-laws regarding the control and management of its undertaking; its dealings with the public it is incorporated to serve; the collection of tolls, charges, rates or levies for the public service given by the company; and for the use, protection and care of its property while being used, enjoyed or otherwise subject to public use, and may impose penalties for the infraction thereof; provided, however, that no such by-laws shall have any force or effect or be acted upon until approved by the Lieutenant-Governor-in-Council and published four times in a public newspaper published at the place where the undertaking of the company is carried on, or as near thereto as may be, and in the *Ontario Gazette*. *New.*

150. In addition to the other returns which may be required by this or any other Act, the company shall on or before the 8th day of February in each year make a report to the Provincial Secretary, under oath of the president and secretary which shall specify:

- (a) The cost of the work, plant and undertaking of the company;
- (b) The amount of its capital, and the amount paid thereon;
- (c) The amount received during the year from tolls, levies, rates and charges and all other sources, stating each separately;
- (d) The amount and rate of dividends paid;
- (e) The amount expended for repairs; and
- (f) A detailed description of any extension or improvement of the works or of any new works proposed to be undertaken in the current year, together with an estimate of the cost thereof.

151. Every company shall keep regular books of account in which shall be entered a correct statement of the assets, liabilities, receipts and disbursements of the company, and such books shall be at all times open to the inspection and examination of any shareholder. *New.*

152. The Provincial Secretary may appoint a person to inspect and examine such books and every person so appointed may take copies or extracts from the same, and may require and receive from the keeper of such books, and also from the president and each of the directors of the company, and all the other officers and servants thereof, all such information as to such books and the affairs of the company generally, as the person so appointed deems necessary for the full and satisfactory investigation into and report upon the state of the affairs of the company, so as to enable him to ascertain the correctness of statements furnished by the company. *New.*

153. The Lieutenant-Governor may, by Supplementary Letters Patent, extend the term of existence of any company incorporated for a limited period under this Act, for such further period as by Order made previous to the expiry of such period he may direct, and the provisions of this Act having regard to the expiration of the term of existence of a company shall thereupon apply to such term as so extended. *New.*

PART XIV.

EXPROPRIATION.

Under the various Companies Acts there were various provisions for the compulsory taking of land and arbitration proceedings

consequent thereon; one set of provisions under *The Timber Slides Companies Act*, another under *The Gas and Water Companies Act*, and still another under *The Act respecting Companies for supplying Steam, Heat, Electricity or Natural Gas for Heat, Light or Power*. There does not appear to be any good reason for multiplying the methods of compulsory taking of land and the arbitration proceedings. A system uniform throughout appears preferable, and it is intended that this part of the Act shall be made applicable to such companies as formerly had power of expropriation.

Expropriation. 154. A company incorporated for the purpose of operating any municipal or other public franchise, utility or undertaking and to which this part of this Act is made applicable by the Letters Patent may take, without the consent of the owner thereof, lands and easements therein which may be necessary for the purposes of its undertaking, under the provisions of *The Ontario Railway Act* in that behalf.

PART XV.

WINDING UP COMPANIES.

It would be very difficult to show in detail an accurate comparison to this part of the Act with *The Ontario Winding Up Act*, or *The Dominion Winding Up Act*. The part as it stands is made up of sections drawn from both these Acts, as well as from *The Imperial Companies Act*. The primary idea of this part of the Act is that the winding up proceedings should be purely voluntary under the direction of Inspectors appointed by shareholders or creditors, and without molestation of litigation or proceedings of any nature. The Act is framed to give the liquidator, under such circumstances, ample power to wind up a company, and distributing its assets and investigating its transactions in the most economical manner. If, however, a contributor or a creditor holding a claim or more than \$200, is not satisfied with the winding up being conducted in this way, he may apply to the Court for a winding up order, and if he can convince the Court that it is in the interests of all concerned that the winding up order should be granted, it may be so granted.

Many sections of *The Ontario Winding Up Act* appear to be unnecessary, and are omitted. The machinery for carrying the Act into effect was defective, and it may be fairly said that the Act was inoperative.

It is hoped that this part of the Act as framed will provide an economical and effective means of winding up companies, and any comment on this part of the Act which will add to its effectiveness will be gladly received.

Interpretation. 155.—(1) The term “contributory” shall mean every person liable to contribute to the assets of a corporation under this Act, in the event of the same being wound up. It shall also in all proceedings for determining the persons who are to be deemed contributories and in all proceedings prior to the final determination of such persons, include any person alleged to be a contributory. R.S.O. cap. 222, s. 3, ss. 2.

(2) The term “Court” shall mean the High Court of Justice.

(2) Proceedings for winding up under the direction of the Court are by this Act under the jurisdiction of the High Court instead of the County Courts as formerly.

156. If a contributory dies either before or after he has been placed on the list of contributories hereinafter mentioned, his personal representative, heirs and devisees shall be liable in due course of administration to contribute to the assets of the corporation in discharge of the liability of such deceased contributory, and such personal representatives, heirs, and devisees shall be deemed to be contributories accordingly. R.S.O. cap. 222, s. 3, ss. 3.

Case of death of contributory.

157. The liability of any person to contribute to the assets of a corporation under this Act, in the event of the same being wound up, shall be deemed to create a debt accruing due from such person at the time when his liability commenced, but payable at the time or respective times when calls are made as hereinafter mentioned for enforcing such liability. (Imp. 75), *amended*.

Nature of liability of contributory.

158. A corporation may be wound up voluntarily under this Act:

1. Where the period, if any, fixed for the duration of the corporation by the Act, charter or instrument of incorporation has expired; or where the event (if any) has occurred, upon the occurrence of which it is provided by the Act or Letters Patent or instrument of incorporation that the corporation is to be dissolved and the corporation in general meeting has passed a resolution requiring the corporation to be wound up;
2. Where the corporation in general meeting has passed a resolution requiring the corporation to be wound up;
3. Where the corporation (though it may be solvent as respects creditors) has passed a resolution in general meeting to the effect that it has been proved to its satisfaction that the corporation cannot by reason of its liabilities continue its business, and that it is advisable to wind up the same. R.S.O. 1887, c. 183, s. 4, *amended*.

Voluntary winding up.

R.S.O. Cap. 222, section 4, with this change:—Special and extraordinary resolutions are done away with, and an ordinary resolution of the company passed at a general meeting substituted.

159. A winding up shall be deemed to commence at the time of the passing of the resolution authorizing the winding up. R.S.O. 1887, c. 183, s. 6, *amended*.

Commencement of winding up.

R.S.O. Cap. 222, section 6, amended by striking out the words "or of making the order directing the winding up."

160. Whenever a corporation is wound up voluntarily, the corporation shall, from the date of the commencement of such winding up, cease to carry on its undertaking, except in so far as may be required for the beneficial wind-

Corporation to cease business.

ing up thereof, and all transfers of shares, except transfers made to or with the sanction of the liquidators, or alteration in the status of the members of the corporation, taking place after the commencement of such winding up, shall be void, but its corporate state and all its corporate powers shall, notwithstanding it is otherwise provided by its constating instrument or by-laws, continue until the affairs of the corporation are wound up. R.S.O. cap. 222, s. 8, ss. 1, *amended*.

R.S.O. Cap. 222, section 8 (1), with the change of the words "constating instrument" substituted for "Act, charter or instrument of incorporation."

Notice of resolution to be given.

161. Notice of any resolution passed for winding up a corporation voluntarily shall be given by advertisement in the *Ontario Gazette* and fyled in the office of the Provincial Secretary. *New*.

No notices of winding-up appear to have been heretofore required except by registering the resolution or winding-up order in the Registry office.

No suit or action against corporation after winding up.

162. After the commencement of the winding up, no suit, action or other proceeding shall be proceeded with or commenced against the corporation, and no attachment, sequestration, distress or execution shall be put in force against the estate or effects of the corporation. Provided, however, that after a winding up order has been made by the Court as hereinafter provided, such suit, action or other proceeding, attachment, sequestration, distress or execution may be proceeded with by leave of the Court and subject to such terms as the Court may impose. And further provided that this section shall not apply to any proceeding taken under *The Winding-up Act* of the Parliament of the Dominion of Canada or other Act respecting Insolvency or Bankruptcy for the time being in force. *New*.

This section is similar to section — of *The Dominion Winding-up Act*. R.S.O. 222, section 23 (2), (3), provided that after presentation of a petition for winding-up, and before the order, the Court might restrain proceedings, and after the commencement of winding-up proceedings might make an order that no proceedings be taken without further order; but there was no provision that in a voluntary winding-up proceedings might be stayed. Relief may be given to anyone desiring to take proceedings by petition for a winding-up order.

Consequences of winding up.

163. The following consequences shall ensue upon the voluntary winding up of a corporation:

- (1) The property of the corporation shall be applied in satisfaction of all its liabilities *pari passu*, and, subject thereto, shall, unless it be otherwise provided by the by-laws of the corporation, be distributed amongst the members or shareholders according to their rights and interests in the corporation;

- (2) Liquidators shall be appointed for the purpose of winding up the affairs of the corporation and distributing the property;
- (3) The corporation in general meeting shall appoint such person or persons as it thinks fit to be liquidators or a liquidator, and may fix the remuneration to be paid to them or him;
- (4) If one person only is appointed, all the provisions herein contained in reference to several liquidators shall apply to him;
- (5) Upon the appointment of liquidators all the powers of the directors shall cease except in so far as the corporation in general meeting or the liquidators may sanction the continuance of such powers;
- (6) When several liquidators are appointed, every power hereby given may be exercised by such one or more of them as may be determined at the time of their appointment, or in default of such determination by any number not less than two;
- (7) The liquidators shall settle the list of contributories of the corporation and any list so settled shall be *prima facie* evidence of the liability of the persons named therein to be contributories;
- (8) The liquidators may at any time after the passing of the resolution for winding up the corporation and before they have ascertained the sufficiency of the assets of the corporation, call on all or any of the contributories, for the time being settled on the list of contributories, to the extent of their liability to pay all or any sums they deem necessary to satisfy the debts and liabilities of the corporation, and the costs, charges and expenses of winding it up, and for the adjustment of the rights of the contributories amongst themselves, and the liquidators may in making a call take into consideration the probability that some of the contributories upon whom the same is made may partly or wholly fail to pay their respective portions of the same;
- (9) The liquidators shall pay the debts of the corporation and adjust the rights of the contributories, shareholders or members amongst themselves.

164. All costs, charges and expenses properly incurred in the voluntary winding up of a corporation, including the remuneration of the liquidators, shall be payable out of the assets of the corporation in priority to all other claims. R.S.O. cap. 222, s. 20. Payment of costs and expenses.

165. The liquidators shall have power to do the following things:

- (1) To bring or defend any action, suit or prosecution, or other legal proceeding, civil or criminal, in the name and on behalf of the corporation;
- (2) To carry on the business of the corporation so far as may be necessary for the beneficial winding up of the same;
- (3) To sell the real and personal property, effects and things in action of the company by public auction or private contract, with power to transfer the whole thereof to any person or corporation, or to sell the same in parcels;

Re D. A. Jones Co., 19 A. R. 63.

- (4) To do all acts and to execute, in the name and on behalf of the corporation, all deeds, receipts and other documents, and for that purpose to use, when necessary, the corporation's seal;
- (5) To draw, accept, make and indorse any bill of exchange or promissory note in the name and on behalf of the corporation, also to raise upon the security of the assets of the corporation, from time to time, any requisite sum or sums of money; and the drawing, accepting, making or indorsing of every such bill of exchange or promissory note as aforesaid on behalf of the corporation shall have the same effect with respect to the liability of such corporation as if such bill or note had been drawn, accepted, made or endorsed by or on behalf of such corporation in the course of carrying on the business thereof;
- (6) To take out, if necessary, in his official name, letters of administration to any deceased contributory and to do in his official name any other act that may be necessary for obtaining payment of any moneys due from a contributory or from his estate and which act cannot be conveniently done in the name of the corporation; and in all cases where he takes out letters of administration or otherwise uses his official name for obtaining payment of any moneys due from a contributory, such moneys shall, for the purpose of enabling him to take out such letters or recover such moneys, be deemed to be due to the official liquidator himself;
- (7) To do and execute all such other things as may be necessary for winding up the affairs of the corporation and distributing its assets.

166. A corporation about to be wound up voluntarily, ^{Inspectors.} or in the course of being wound up voluntarily, may, by resolution, delegate to any committee of its members, contributors or creditors, hereinafter referred to as inspectors, the power of appointing liquidators or any of them, and supply any vacancies in the appointment of liquidators, or may by a like resolution enter into any arrangement with respect to the powers to be exercised by the liquidators and the manner in which they are to be exercised; and any act done by the said inspectors in pursuance of such delegated power shall have the same effect as if it had been done by the corporation.

Re Canada Woollen Mills Co., 8 O. L. R. 581, 9 O. L. R. 367.

167.—(1) The liquidator shall deposit at interest in ^{Deposit in bank by liquidators.} some chartered bank to be indicated by the inspectors all sums of money which he may have in his hands, belonging to the corporation, whenever such sums amount to \$100.

(2) Such deposit shall not be made in the name of the liquidator generally, on pain of dismissal; but a separate ^{Separate deposit account to be kept; withdrawal from account.} deposit account shall be kept for the corporation of the moneys belonging to the corporation, in the name of the liquidator as such, and of the inspectors (if any); and such moneys shall be withdrawn only on the joint cheque of the liquidator and one of the inspectors, if there be any.

(3) At every meeting of the shareholders or members ^{Liquidators to produce bank pass book at meetings, etc.} of the corporation the liquidators shall produce a pass-book, showing the amount of deposits made for the corporation, the dates at which the deposits were made, the amounts withdrawn and dates of such withdrawal; of which production mention shall be made in the minutes of the meeting, and the absence of such mention shall be *prima facie* evidence that the pass-book was not produced at the meetings.

(4) The liquidator shall also produce the pass-book ^{Liquidator to produce bank pass book when ordered.} whenever so ordered by the Court at the request of the inspectors or a member of the corporation, and on his refusal to do so, he shall be treated as being in contempt of Court. R.S.O. cap. 222, s. 19, ss. 3, 4, 5, 6.

168. Where a corporation is being wound up voluntarily, the liquidators may from time to time, during the continuance of such winding up, summon general meetings of the corporation for the purpose of obtaining the sanction of the corporation by resolution, or for any other purposes they think fit; and in the event of the winding up continuing for more than one year, the liquidators shall summon a general meeting of the corporation at the end of the first year and of each succeeding year from the commencement of the winding up, or as soon thereafter as may be convenient, and shall lay before such meeting an account shewing their acts and dealings, and the man-

^{Meetings of corporation during winding up.}

ner in which the winding up has been conducted during the preceding year. R.S.O. cap. 222, s. 22 (2) (3).

Vacancy in
office of
liquidator.

169. If any vacancy occurs in the office of liquidators appointed by the corporation, by death, resignation or otherwise, the corporation in general meeting may, subject to any arrangement they may have entered into upon the appointment of inspectors, fill up such vacancy, and a general meeting for the purpose of filling up such vacancy may be convened by the continuing liquidators, if any, or by any contributory of the corporation, and shall be deemed to have been duly held in manner prescribed by the by-laws of the corporation, or in default thereof in the manner prescribed by this Act for calling general meetings of the shareholders or members of the corporation. R.S.O. cap. 222, s. 25 (1), *in part*.

Liquidators
may distribute
assets after
expiration of
time fixed.

170. The provisions of section 38 of chapter 129 of The Revised Statutes of Ontario shall apply *mutatis mutandis* to a liquidator or liquidators.

Arrangements
may be author-
ized with
creditors.

171. The liquidators may, with the sanction of a resolution of the corporation or the inspectors, make such compromise or other arrangement as the liquidators deem expedient, with any creditors, or persons claiming to be creditors, or persons having or alleging to have any claim, present or future, certain or contingent, ascertained or sounding only in damages, against the corporation where- by the corporation may be rendered liable. R.S.O. cap. 222, s. 11.

Power to com-
promise with
debtors and
contributories.

172. The liquidators may, with the sanction of a resolution of the corporation or of the inspectors, compromise all calls and liabilities to calls, debts, and liabilities capable of resulting in debts, and all claims, whether present or future, certain or contingent, ascertained or sounding only in damages, subsisting or supposed to subsist between the corporation and any contributory or other debtor or person apprehending liability to the corporation and all questions in any way relating to or affecting the assets of the corporation, or the winding up of the corporation, upon the receipt of such sums, payable at such times, and generally upon such terms as may be agreed upon; with power for the liquidators to take any security for the discharge of such debts or liabilities, and to give a complete discharge in respect of all or any such calls, debts or liabilities. R.S.O. cap. 222, s. 12, *amended*.

Take security.

Power to ac-
cept shares,
etc., as a con-
sideration for
sale of property
to another
company.

173.—(1) Where a corporation is proposed to be or is in the course of being wound up, and the whole or a portion of its business or property is proposed to be transferred or sold to another corporation, the liquidators of the first mentioned corporation, with the sanction of a resolution of the corporation by whom they were appointed conferring either a general authority on the liquidators, or an authority in respect of any particular arrangement,

may receive, in compensation or in part compensation for such transfer or sale, shares or other like interest in such other corporation, for the purpose of distribution amongst the members of the corporation which is being wound up, or may, in lieu of receiving cash, shares, or other like interests, or in addition thereto, participate in the profits of or receive any other benefit from the purchasing corporation.

Griffiths v. Paget, 5 Ch. D. 894. Colton v. Imperial 1892, 3 Ch. 454. Tiessen v. Henderson, 1899, 1 Ch. 861. Exp. Fox, 6 Ch. 176.

(2) Any sale made or arrangement entered into by the liquidators in pursuance of this section shall be binding on the shareholders or members of the corporation which is being wound up, subject to the proviso that if any member of the corporation which is being wound up, who has not voted in favour of the resolution passed by the corporation of which he is a member, expresses his dissent from any such resolution, in writing, addressed to the liquidators or one of them, and left at the head office of the corporation, or the place where its undertaking is carried on, not later than seven days after the date of the meeting at which such resolution was passed, such dissentient member may require the liquidators to do one of the following things as the liquidators may prefer, that is to say, either (a) to abstain from carrying such resolution in effect, or (b) to purchase the interest held by such dissentient member, at a price to be determined in manner hereinafter mentioned, such purchase-money to be paid before the corporation is dissolved, and to be raised by the liquidators in such manner as may be determined by resolution.

Sale or arrangement by liquidators binding unless a member objects.
Proceedings on objection.

Re Canning Journal, 1900, 1 Ch. 708.

Payne v. Cork Co., 1900, 1 Ch. 308.

Baring Gould v. Sharpington, 1899, 2 Ch. 80.

Kaye v. Groydon, 1898, 1 Ch. 358.

Re City and County Investment Co., 13 Ch. D. 475.

New Giland v. Peacock, 1894, 1 Q. B. 622.

(3) No resolution shall be deemed invalid for the purposes of this section by reason that it is passed antecedently to or concurrently with any resolution for winding up the corporation or for appointing liquidators.

Special resolution not invalid because prior to resolution to wind up.

(4) The price to be paid for the purchase of the interest of any dissentient member may be determined by agreement; but if the parties dispute about the same such dispute shall be settled by arbitration under the provisions of *The Arbitration Act*. R.S.O. cap. 222, s. 13, ss. 1, 2, 3, 4, amended.

Price payable to objectioning member.

Baring Gould v. Sharpington, 1899, 2 Ch. 80.

De Rosag v. Anglo-Italian Bank, L. R. 4 Q. B. 462.

Morgans Case, 28 Ch. D. 620.

Re U. S. Direct Cable, 48 L. J. Ch. 665.

Winding-up by
Court.

174. A corporation may be wound up by Order of the Court:

1. Where it may be wound up voluntarily;
2. Where proceedings have been taken to wind up voluntarily and it appears to the Court that it is in the interests of contributories and creditors that it should be wound up under the supervision of the Court.
3. Where on the application of a contributory the Court is of the opinion that it is just and equitable that the corporation should be wound up.
New.

Re Iron Clay Mfg. Co., 19 O. R. 441.

Re Cosmopolitan Life, 15 P. R. 185.

Macdonald v. Noxon Co., 16 O. R. 368.

Who may
apply.

175. The winding-up order may be made on petition to a Judge or Local Judge of the High Court in Chambers by the liquidator or by any contributor, shareholder, member or when the corporation is being wound up voluntarily by a creditor having a claim of \$200 or upwards. *New.*

Powers of
Court.

176. The Court may make the order applied for or may dismiss the petition with or without costs; may adjourn the hearing conditionally or unconditionally, or may make any interim or other orders as may be just, and upon the making of the order may refer the proceedings for the winding up and may delegate any powers of the Court conferred by this Act to a Master or Referee of the Court. R.S.C., 129, 9, *amended.*

Appointment
of liquidator.

177. The Court in making the winding-up order may appoint a liquidator or liquidators of the estate and effects of the corporation; but no such liquidator shall be appointed unless a previous notice is given to the creditors, contributories, shareholders, or members in the manner and form prescribed by the Court. Provided, however, that if a liquidator has already been appointed in a voluntary liquidation such notice need not be given. R.S.C. 129, 20. *Amended.*

Appointment
by court.

178.—(1) If from any cause there is no liquidator acting either provisionally or otherwise, the Court may on the application of a member of the corporation, appoint a liquidator or liquidators.

Removal of
liquidator.

(2) The Court may also on due cause shewn, remove a liquidator and appoint another liquidator.

The case of no
liquidator.

(3) When there is no liquidator the estate shall be under the control of the Court until the appointment of a new liquidator. R.S.O. cap. 222, s. 25, ss. 2, 3, 4.

Proceeding in
winding up
after order.

179. When a winding-up order has been made proceedings for the winding up of the corporation shall be taken

in the same manner and with the like consequences as hereinbefore provided for a voluntary winding up. Provided, however, that the list of contributories shall be settled by the Court except where the same has been settled by the liquidator prior to the winding up order when such list shall be subject to review by the Court and that all proceedings in said winding up shall be subject to the order and discretion of the Court. *New.*

180.—(1) The Court may direct meetings of the shareholders or members of the corporation to be summoned, held and conducted in such manner as the Court thinks fit for the purpose of ascertaining their wishes, and may appoint a person to act as chairman of any such meeting, and to report the result of such meeting to the Court.

Meetings of members of company may be ordered.

Chairman.

(2) The Court may require any contributory for the time being settled on the list of contributories, or any trustee, receiver, banker, or agent or officer of the corporation to pay, deliver, convey, surrender or transfer forthwith, or within such time as the Court directs, to or into the hands of the liquidator, any sum or balance, books, papers, estate, or effects which happen to be in his hands for the time being, and to which the corporation is *prima facie* entitled.

Order for delivery by contributories and others of property, etc.

(3) The Court may make such order for the inspection by the creditors and contributories of the corporation of its books and papers as the Court thinks just; and any books and papers in the possession of the company may be inspected in conformity with the order of the Court, but not further or otherwise. R.S.O. cap. 222, s. 23, ss. 5, 6, 10.

Inspection of books.

181. The Court may, at any time after the commencement of the winding up of the corporation, summon to appear before the Court or liquidator any officer of the corporation, or any other person known or suspected to have in his possession any of the estate or effects of the corporation, or supposed to be indebted to the corporation, or any person whom the Court may deem capable of giving information concerning the trade, dealings, estate or effects of the corporation, and in case of refusal to appear in answer the questions submitted, he may be committed and punished by the Judge as for a contempt.

Examination of persons before court or liquidator.

(2) Where in the course of winding up a corporation under this Act, it appears that any past or present director, manager, official or other liquidator, or any officer of the corporation has misapplied, or retained in his own hands, or become liable or accountable for, moneys of the corporation, or been guilty of any misfeasance or breach of trust in relation to the corporation, the Court may, on the application of a liquidator, or of any contributory of the corporation, notwithstanding that the offence is one for which the offender is criminally responsible, examine into the conduct of such director, manager, or other offi-

Power of court to assess damages against delinquent directors, etc.

cer, and compel him to repay the moneys so misapplied or retained, or for which he has become liable or accountable, together with interest after such rate as the Court thinks just, or to contribute such sums of money to the assets or the corporation by way of compensation in respect of such misapplication, retainer, misfeasance, or breach of trust, as the Court thinks just. R.S.O. cap. 222, s. 23, ss. 11, 17.

Re Essex Centre Co., 9 A. R. 125.

Proceedings by contributories, at their own expense and for their own benefit only.

182. If at any time a member of the corporation desires to cause any proceeding to be taken which, in his opinion, would be for the benefit of the corporation, and the liquidator, under the authority of the members of the corporation or of the inspectors, refuses or neglects to take such proceeding, after being duly required so to do, the member of the corporation shall have the right to obtain an order of the Court authorizing him to take such proceeding in the name of the liquidator or corporation, but at his own expense and risk, upon such terms and conditions as to indemnify to the liquidator, as the Court may prescribe; and thereupon any benefit derived from such proceeding shall belong exclusively to the member of the corporation instituting the same, for his benefit and that of any other member of the corporation who may have joined him in causing the institution of such proceeding; but if, before such order is granted, the liquidator signifies to the Court his readiness to institute such proceeding for the benefit of the corporation, an order shall be made prescribing the time within which he shall do so and in that case the advantage derived from such proceeding shall appertain to the corporation. R.S.O. cap. 222, s. 24.

Powers of court to be in addition to other powers.

183. Any powers by this Act conferred on the Court shall be deemed to be in addition to any other power, of instituting proceedings against any contributory, or against any debtor of the corporation for the recovery of any call or other sums due from such contributory, or against any debtor of the corporation, for the recovery of any call or other sum due from such contributory or debtor, or his estate, and such proceedings may be instituted accordingly. R.S.O. cap. 222, s. 28.

Stay of proceedings.

184. The Court at any time after an order has been made for winding up a corporation may, upon the application by motion of any contributory, and upon proof to the satisfaction of the Court that all proceedings in relation to the winding up ought to be stayed, make an order staying the same, either altogether or for a limited time, on such terms and subject to such conditions as the Court deems fit. R.S.O. cap. 222, s. 33.

Appeals.

185.—(1) Any party who is dissatisfied with any order or decision of the Court or of a Master or Referee in any proceeding under this Act, may appeal therefrom to a Divisional Court.

(2) Such appeal shall be taken in the same manner as an appeal from an order of a Judge of the High Court of Justice in Chambers. *New.*

186. The Lieutenant-Governor-in-Council may from time to time make rules of practice and procedure for the due carrying out of the provisions of this part of the Act, and until such rules have been made the practice shall be the same as in cases of administration of estates so far as the same are applicable, or in the Master's Office in cases under the *Winding-Up Act*. (Canada.) *New.*

Rules of procedure.

187.—(1) As soon as the affairs of the corporation are fully wound up, the liquidators shall make up an account shewing the manner in which the winding up has been conducted, and the property of the corporation disposed of; and thereupon they shall call a general meeting of the members or shareholders of the corporation for the purpose of having the account laid before them, and hearing any explanation that may be given by the liquidators; the meeting shall be called in the manner provided by the by-laws for calling general meetings of the shareholders or members of the corporation.

Account of winding up to be made by liquidator to a general meeting.

(2) The liquidator shall make a return to the Provincial Secretary of such meeting having been held, and of the date at which the same was held; which return shall be filed in the office of the Provincial Secretary; and on the expiration of three months from the date of the filing of such return, the corporation shall be deemed to be dissolved. R.S.O. cap. 222, s. 40.

Return of holding of meeting to be sent to Provincial Secretary.

Dissolution of company

188. Whenever the affairs of the corporation have been completely wound up, the Court may make an order that the corporation be dissolved from the date such order, and the corporation shall be dissolved accordingly; which order shall be reported by the liquidator to the Provincial Secretary. R.S.O. cap. 222, s. 41.

Order for dissolution.

Report to Provincial Secretary.

Re Equitable Savings Association, 4 O. L. R. 479.

189. If the liquidator makes default in transmitting to the Provincial Secretary the return mentioned in section 182 or in reporting the order (if any) declaring the corporation dissolved, he shall be liable on summary conviction to a penalty not exceeding \$20 for every day during which he is in default. R.S.O. cap. 222, s. 42.

Penalty on default in reporting by liquidator or in making return.

190. All dividends deposited in a bank and remaining unclaimed at the time of the dissolution of the corporation, shall be left for three years in the bank where they are deposited, and if still unclaimed, shall then be paid over by such bank, with interest accrued thereon, to the Treasurer of Ontario, and, if afterwards duly claimed, shall be paid over to the persons entitled thereto. R.S.O. cap. 222 s. 43.

Disposition of unclaimed dividends.

Deposit by liquidator after dissolution of moneys with sworn statement.

191.—(1) Every liquidator shall, within thirty days after the date of the dissolution of the corporation, deposit in the bank appointed or named as hereinbefore provided for, any other moneys belonging to the estate then in his hands not required for any other purpose authorized by this Act, with a sworn statement and account of such money, and that the same is all he has in his hands; and he shall be liable on summary conviction to a penalty of not exceeding \$10 for every day on which he neglects or delays such payments; and he shall be a debtor to His Majesty for such money and may be compelled as such to account for any pay over the same.

Penalty on omission.

Money to remain on deposit for three years.

(2) The money so deposited shall be left for three years in the bank, and shall be then paid over, with interest, to the Treasurer of the Province, and if afterwards claimed shall be paid over to the person entitled thereto.

Disposal of books, etc., after winding up.

(3) Where a corporation has been wound up under this Act and is about to be dissolved, the books, accounts and documents of the corporation and of the liquidators may be disposed of in such a way as the corporation by resolution directs.

After five years responsibility as to custody of books, etc., to cease.

(4) After the lapse of five years from the date of such dissolution no responsibility shall rest on the corporation or the liquidators, or any one to whom the custody of such books, accounts and documents has been committed, by reason that the same or any of them are not forthcoming to any party claiming to be interested therein. R.S.O. cap. 222, s. 44.

PART XVI.

APPLICATION OF ACT AND REPEAL.

192. This Act, except in so far as it may have been particularly made otherwise applicable, shall apply to the following companies:

- (a) To every company incorporated under any special or general Act of the Parliament of the late Province of Upper Canada.
- (b) To every company incorporated under any special or general Act of the Parliament of the late Province of Canada which has its head office and carries on business within the Province of Ontario, and which was incorporated with objects or purposes to which the legislative authority of the Legislature of the Province of Ontario extends; and
- (c) To every company incorporated under any special or general Act of the Legislature of the Province of Ontario;

(1) Any Letters Patent, Supplementary Letters Patent, Order-in-Council, certificate, by-law, rule or regulation made or granted under any enactment hereby repealed shall continue in force as if it had been made or granted under this Act.

(3) Any document referring to any Act or enactment hereby repealed shall be construed to refer to this Act or to the corresponding enactment of this Act.

(4) Any penalty may be recovered and any offence may be prosecuted under this Act for any matter or thing provided for under the Acts hereby repealed.

PETITION.

Lieutenant-Governor of the Province of Ontario in Council:

THE PETITION OF

.....

.....

.....

Humbly sheweth as follows:

1. Your petitioners are desirous of obtaining by Letters Patent, under the Great Seal, a charter, under the provisions of *The Ontario Companies' Act*, constituting your petitioners and such others as may become shareholders in the Company thereby created, a body corporate and politic under the name of The Company (Limited), or such other name as shall appear to Your Honour to be proper in the premises.

2. Your petitioners have satisfied themselves and are assured that the corporate name under which incorporation is sought is not on any public ground objectionable, and that it is not that of any known company, incorporated or unincorporated, or of any partnership or individual, or any name under which any known business is being carried on, or so nearly resembling the same as to deceive.

3. Your petitioners have satisfied themselves and are assured that no public or private interest will be prejudicially affected by the incorporation of your petitioners as aforesaid.†

4. Your petitioners are of the full age of twenty-one years.

5. The object for which incorporation as aforesaid is sought by your petitioners is to

6. The undertaking of the company will be carried on at (or from) which is (or are) within the Province of Ontario.

7. The head office of the Company will be at

8. The amount of the capital stock of the Company is to be dollars.

9. The said stock is to be divided into shares of dollars each.

10. The said

are to be provisional directors of the Company.

11. By subscribing therefor in a Memorandum of Agreement, duly executed in duplicate, with a view to the incorporation of the Company, your petitioners have taken the amount of stock set opposite their respective names, as follows:—

In re Ebenezer Summers & Sons, Ltd., 1901, W.N. 238; re Whitehead, 1900, ch. 804. Dallon v. Screw Lock Co., 1892, 66 L.S. 704.

Petitioners.	Amount of stock subscribed for.
.....	\$
.....	\$
.....	\$
.....	\$

YOUR PETITIONERS therefore pray that Your Honour may be pleased by Letters Patent under the Great Seal to grant a Charter to your petitioners constituting your petitioners and such others as have or may become subscribers to the Memorandum of Agreement and stock-book of the Company thereby created, a body corporate and politic for the due carrying out of the undertaking aforesaid.

And your petitioners, as in duty bound, will ever pray.

Signatures of witnesses.

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Signatures of petitioners.

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Dated at this day of 18 ..

SCHEDULE B.

(To be executed in duplicate; one duplicate to be deposited in the office of the Provincial Secretary.)

THE.....COMPANY OF.....(LIMITED.)

MEMORANDUM OF AGREEMENT AND STOCK-BOOK.

WE the undersigned do hereby severally covenant and agree each with the other to become incorporated as a company under the provisions of *The Ontario Companies Act* under the name of THE....., or such other name as the Lieutenant-Governor in Council may give to the Company with a capital of.....dollars, divided into.....shares of.....dollars each.

AND WE DO hereby severally, and not one for the other, subscribe for and agree to take the respective amounts of the capital stock of the said Company set opposite our respective names as hereunder and hereafter written, and, to become shareholders in such Company to the said amounts.

In witness whereof we have signed.

Name of subscriber.	Seal.	Amount of sub- scrip- tion.	Date and place of subscription.		Residence of subscriber.	Name of witness.
			Date.	Place.		

To HIS HONOUR Etc., Etc., Etc.

THE PETITION OF
.....
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Humbly sheweth as follows:-

- And your petitioners, as in duty bound, will ever pray.

Signature of witnesses.

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Signature of petitioners.

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Dated at this day of 18 ..

SCHEDULE D.

Memorandums of Agreement of the
Association, made and entered into this day of
1906.

(1) We the undersigned do hereby severally covenant and agree each with the other to become incorporated under the provisions of *The Ontario Companies' Act* as a corporation without share capital for the purposes and objects following:—

(2) The subscribers shall be the first members, and it shall rest with the directors to determine the terms and conditions on which subsequent members shall from time to time be admitted.

(3) The following shall be the first directors of the corporation:—

(4) Any member may transfer his interest in the corporation by instrument in writing, signed both by the transferor and transferee and duly registered with the corporation.

(5) The first general meeting shall be held at such time, not being more than two months after the incorporation of the corporation, and at such place as the directors may determine.

(6) Subsequent general meetings shall be held at such time and place as may be prescribed by the corporation in general meeting; and if no other time or place is prescribed, a general meeting shall be held on the fourth Wednesday in January in every year, at such place as may be determined by the directors.

(7) The directors may, whenever they think fit, and they shall upon a requisition made in writing by any five or more members, convene a general meeting.

(8) Any requisition made by the members shall express the object of the meeting proposed to be called and shall be left at the office of the corporation.

(9) Upon the receipt of such requisition the directors shall forthwith proceed to convene a general meeting. If they do not proceed to convene the same within twenty-one days from the date of the requisition, the requisitionists or any other five members may themselves convene a meeting.

(10) Ten days' notice at the least, specifying the place, the day, and the hour of meeting, and in case of special business the general nature of such business shall be given to the members in the manner hereinafter mentioned, or in such other manner, if any, as may be prescribed by the corporation in general meeting, but the non-receipt of such notice by any member shall not invalidate the proceedings at any general meeting.

(11) If within one hour from the time appointed for the meeting a quorum of members is not present, the meeting, if convened upon the requisition of the members, shall be dissolved. In any other case, it shall stand adjourned to the same day in the following week, at the same time and place; and if at such adjourned meeting a quorum of members is not present, it shall be adjourned *sine die*.

(12) The chairman (if any) of the directors shall preside as chairman at every general meeting of the corporation.

If there is no such chairman, or if at any meeting he is not present at the time of holding the same, the members present shall choose some one of their number to be chairman at such meeting.

(13) The chairman may, with the consent of the meeting, adjourn any meeting from time to time, and from place to place, but no business shall be transacted at any adjourned meeting other than the business left unfinished at the meeting from which the adjournment took place.

(14) At any general meeting, unless a poll is demanded, a declaration by the chairman that a resolution has been carried, and an entry to that effect in the minutes of proceedings of the corporation, shall be sufficient evidence of the fact, without proof of the number or proportion of the votes recorded in favor of or against such resolution.

(15) If a poll is demanded, the same shall be taken in such manner as the chairman directs, and the result of such poll shall be deemed to be the resolution of the corporation in general meeting.

(16) With the consent in writing of all members, a general meeting may be convened on shorter notice than seven days, and in any manner which such members think fit.

(17) The quorum of a general meeting shall be members present in person.

(18) Until otherwise determined by special resolution, every member shall have one vote.

(19) Votes may be given either personally or by proxy. The instrument appointing a proxy shall be in writing, under the hand of the appointor, or if such appointor is a corporation, under its common seal, and shall be attested by one or more witness or witnesses; no person shall be appointed a proxy who is not a member of the corporation.

(20) A resolution signed by all the directors shall be as valid and effectual as if it had been passed at a general meeting of the directors duly called and constituted.

(20) The future remuneration of the directors, and their remuneration for services performed previously to the first general meeting, shall be determined by the corporation in general meeting.

(21) The affairs of the corporation shall be managed by the directors, who may pay all expenses incurred in incorporating the corporation, and may exercise all such powers of the corporation as are not by the foregoing Act, or by these articles, required to be exercised by the corporation in general meeting, subject, nevertheless, to any regulations of this memorandum, to the provisions of the foregoing Act, and to such regulations, being not inconsistent with the aforesaid regulations or provisions, as may be prescribed by the corporation in general meeting; but no regulation made by the corporation in general meeting shall invalidate any prior act of the directors which would have been valid if such regulation had not been made. The continuing directors may act notwithstanding any vacancy in their body.

(2) The office of director shall be vacated:—

(a) If he holds any other office or place of profit under the corporation;

(b) If he is concerned in or participates in the profits of any contract with the corporation;

But the above rules shall be subject to the following exceptions:— that no director shall vacate his office by reason of his being a shareholder of any corporation which has entered into contracts with or done any work for the corporation of which he is a director; nevertheless, he shall not vote in respect of such contract of work, and if he does so vote his vote shall not be counted, and in

addition thereto, a director shall vacate his office if and when he is requested by the corporation in general meeting to resign.

(23) A retiring director shall be re-eligible.

The corporation at the general meeting at which any directors retire in manner aforesaid shall fill up the vacated offices by electing a like number of persons.

(24) If at any meeting at which an election of directors ought to take place the places of the vacating directors are not filled up, the meeting shall stand adjourned till the same day in the next week, at the same time and place; and if at such adjourned meeting the places of the vacating directors are not filled up, the vacating directors, or such of them as have not had their places filled up, shall continue in office until the ordinary meeting in the next year, and so on from time to time until their places are filled up.

(25) The corporation may, from time to time, in general meeting, increase or reduce the number of directors, and may also determine in what rotation of any such increased or reduced number is to go out of office.

(26) Any casual vacancy occurring in the board of directors may be filled up by the directors, but any person so chosen shall retain his office so long only as the vacating director would have retained the same if no vacancy had occurred.

(27) The corporation in general meeting may, by a special resolution, remove any director before the expiration of his period of office, and may, by an ordinary resolution, appoint another person in his stead; the person so appointed shall hold office during such time only as the director in whose place he was appointed would have held the same if he had not been removed.

(28) The directors may meet together for the dispatch of business, adjourn, and otherwise regulate their meetings as they think fit, and determine the quorum necessary for the transaction of business. Questions arising at any meeting shall be decided by a majority of votes. In case of an equality of votes the chairman shall have a second or casting vote. A director may at any time summon a meeting of the directors.

(29) The directors may elect a chairman of their meetings, and determine the period for which he is to hold office; but if no such chairman is elected, or if at any meeting the chairman is not present at the time appointed for holding the same, the directors present shall choose some one of their number to be chairman of such meeting.

(30) The directors may delegate any of their powers to committees consisting of such member or members of their body as they think fit. Any committee so formed shall, in the exercise of their powers so delegated, conform to any regulations that may be imposed on them by the directors.

(31) A committee may elect a chairman of their meetings. If no such chairman is elected, or if he is not present at the time appointed for holding the same, the members present shall choose one of their number to be chairman of such meeting.

(32) A committee may meet and adjourn as they think proper. Questions arising at any meeting shall be determined by a majority of votes of the members present, and in case of an equality of votes the chairman shall have a second or casting vote.

(33) All acts done by any meeting of the directors, or of a committee of directors, or by any person acting as a director shall, notwithstanding that it be afterwards discovered that there was some defect in the appointment of any such directors or persons acting as aforesaid, or that they, or any of them, were disqualified, be as valid as if every such person had been duly appointed and was qualified to be a director, but it shall not be necessary to give notice of a meeting of the directors to a director who is not within the Province.

In testimony whereof we have hereunto set our hands and affixed our seals.

SCHEDULE E.

REPEAL.

Session and Chapter.	Short Title.	Extent of Repeal.
Revised Statutes of Ontario, Cap. 191.	The Ontario Companies Act.	The whole Act.
The Revised Statutes of Ontario, Cap. 194	The Timber Slides Companies Act.	Sec. 1-17, 19-35 and 60, 62, 63, 64.
Revised Statutes of Ontario, Cap. 195.	An Act respecting Joint Stock Companies for the construction of Piers, Wharfs, Dry Docks and Harbors.	The whole Act.
Revised Statutes of Ontario, Cap. 196.	An Act respecting Joint Stock Companies for the erection of Exhibition Buildings.	The whole Act.
Revised Statutes of Ontario, Cap. 197.	The Mining Companies Incorporation Act.	The whole Act.
Revised Statutes of Ontario, Cap. 199.	An Act respecting Joint Stock Companies for supplying Cities, Towns and Villages with Gas and Water.	Sec. 1-43, 55-58.
Revised Statutes of Ontario, Cap. 200.	An Act respecting Companies for supplying Steam, Heat, Electricity or Natural Gas for Heat, Light or Power.	The whole Act.
Revised Statutes of Ontario, Cap. 201.	An Act respecting Cheese and Butter Manufacturing Associations and Companies.	The whole Act.
Revised Statutes of Ontario, Cap. 202.	An Act respecting Co-operative Associations.	The whole Act.
Revised Statutes of Ontario, Cap. 206.	The Ontario Trust Companies Act.	The whole Act.
Revised Statutes of Ontario, Cap. 211.	An Act respecting Benevolent, Provident and other Societies.	The whole Act.
Revised Statutes of Ontario, Cap. 213.	An Act respecting Cemetery Companies.	The whole Act.
Revised Statutes of Ontario, Cap. 215.	An Act respecting the changing of the names of Incorporated Companies.	The whole Act.
Revised Statutes of Ontario, Cap. 216.	The Directors Liability Act.	The whole Act.
Revised Statutes of Ontario, Cap. 217.	An Act to prevent fraudulent statements by Companies and others.	The whole Act.
Revised Statutes of Ontario, Cap. 218.	An Act respecting Fees payable by Incorporated Companies and other Bodies.	The whole Act.
Revised Statutes of Ontario, Cap. 219.	An Act respecting Returns required from Incorporated Companies.	The whole Act.
Revised Statutes of Ontario, Cap. 221.	An Act respecting Investments by Corporations.	The whole Act.
Revised Statutes of Ontario, Cap. 222.	The Joint Stock Companies Wind-up Act.	The whole Act.
61 Vic., Cap. 19.	An Act to Amend the Ontario Companies Act.	The whole Act.
61 Vic., Cap. 20.	An Act to amend the Timber Slides Companies Act.	The whole Act.
62 Vic. (2), Cap. 11.	An Act to amend the Statute Law.	Sec. 19, 20 and 21.

TABLE shewing the various sections of R. S. O., chapters 191-122, consolidated and amended by this act and the corresponding section of this act. The letter "O" opposite a section of an existing act shews that it is wholly omitted, and the letter "T" that it is suggested that the section should be transferred to another act, such as The Judicature Act, in the case of some sections of the act respecting Trust Companies, The Municipal Act, in the case of some sections of The Gas and Water Companies Act, and The Act for Protecting the Public Interest in Rivers, Streams and Creeks, in the case of some sections of The Timber Slide Companies Act. Where there is no such indication further consideration is required.

R.S.O., CAP. 191.		21.	
1.	1	(1)	
2.	O	(2)	
	(a) O	(3)	
	(b) O	22.	67 (1)
	(c) O	(1)	69
	(d) O	(2)	71
	(e) O	(3)	69
	(f) O	(4)	
	(g) O	(5)	
3.	O	23.	
4.	O	(1)	
5.	O	(2)	
6.	O	(3)	Rep.63Vic., cap.23,3
7.	O	(4)	
8.	O	(5)	
9.	O	(6)	
10.	3	24.	29
	4	25.	18
(1)	(1)	(a)	(a)
	(a) (a) 26 (1). 27	(b)	
	(b) (b)	(c)	
	(c) (c)	(d)	17
	(d) (d)	(e)	
	(e) (d)	(f)	
	(f) (e)	(g)	
	(g) (f)		18 (b)
	(2) (2)	26.	O
(3)		27.	47
(4)	(3)	28.	48
(5)	(4)	29.	49
11.	25	30.	50
	(a) (a)	31.	62
	(b) O	32.	51
	(c) (b)	33.	O
	(d) (c)	34.	125
12.	14	35.	52
13.	15	36.	63
(1)	(1)	(1)	(1)
(a)	(2)	(2)	(2)
14.	6	37.	64
15.	16	(1)	(1)
16.	33 102	(2)	(2)
(1)	(1)	(3)	(3)
(2)	(3)	38.	65
17.		39.	66
(1)		40.	74
(2)		41.	73
18.		42.	76
(1)		43.	77
(2)		(1)	(1)
(3)	13	(2)	(2)
19.		(3)	(3)
20.		(4)	(4)
		44.	78

R.S.O., Cap. 191.—*Con.*

45.	79	
(1)	(1)	
(2)	(2)	
(3)	(2)	
46.	O	
47.	80	
	(a)	(a)
	(b)	(b)
	(c)	(c)
	(d)	(d)
	(e)	(e)
	(f)	(f)
	(g)	(g)
48.	81	
49.	67	
	(a)	(a)
	(b)	
	(c)	(b)
	(d)	
50.	72	
51.	34	
52.	35	
53.	36	
54.	37	
55.	37	
56.	O	
57.	O	
58.	38	
59.	38	
60.	39	
61.	40	
62.	41	
63.	42	
64.	42	
65.	O	
66.	125	
67.	126	
68.	127	
69.	128	
70.	O	
71.	104	
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72.	106	
73.	107	
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74.	108	
75.	109	
76.	110	
77.	111	
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78.	35	
79.	122	
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97.	112	
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99.	22	
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R.S.O. Cap. 191.—*Con.*

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R.S.O., CAP. 194.

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R.S.O., CAP. 195.

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R.S.O., CAP. 196.

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R.S.O., CAP. 197

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6.	O
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7.	134
8.	135
9.	O
10.	O
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12.	O
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13.	O
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R.S.O., CAP. 199.

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37.	O
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49.	149
50.	149
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62.	T
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66.	T
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R.S.O., CAP. 200.

1.	O
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2.	O
3.	O
4.	O
5.	154
6.	O
7.	O
8.	154

R.S.O., CAP. 201.

Whole Act Omitted.

R.S.O., CAP. 202.

Whole Act Omitted.

R.S.O., CAP. 211.

Omit Whole Act.

R.S.O., CAP. 213.

Omit Whole Act.

R.S.O., CAP. 215.

1.	30 (1)
2.	25
3.	30 (2)
4.	31
5.	32

R.S.O., CAP. 216.

1.	O
2.	O
(1)	O
(2)	O
(3)	O
(4)	O
(5)	94 (2)
(6)	O
3.	O
4.	94
(1)	(1)
(a)	O
(b)	O
(c)	O
(2)	95
5.	96
6.	97

R.S.O., CAP. 217.

1.	93
(1)	(1) (2)
(2)	(3)

R.S.O., CAP. 218.

1.	O
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R.S.O., CAP. 219.

Omit Whole Act.

R.S.O., CAP. 221.

Omit Whole Act.

INDEX.

	PAGE.
Account of winding up to be made by liquidator to a general meeting	71
Accounts shall be audited	48
Action against Company being wound up, stayed	62
Action no abatement on amalgamation or reincorporation	8
Advertisement stating capital of company	38
Adjournment of Statutory Meeting	44
Adjournment by consent	21
Agreement for amalgamation to be submitted to shareholders or members of each company for consideration	7
Allotment, restriction on	40
Amalgamation of corporations	6
Amending letters patent	9
Annual meeting	19
Annual salaries	31
Annual returns	17
Annual summary of the affairs of the company	49
Appeal on application for rectification of books	46
Appeals in winding up	70
Application to Lieutenant-Governor to change names of companies	18
Appointment of liquidators in voluntary winding up	63
Appointment of liquidator after order by court	68
Appointment of liquidator by court	68
Appointment of auditor	48
Appointment of auditor by Provincial Secretary	48
Arrangements may be authorized with creditors	66
Auditors	48
Auditors' report, annual meeting	19
Auditors report to first meeting	18
Auditors, Provincial Secretary may appoint	48
Auditors may be shareholders	48
Authentication of summons and notices	53
Balance sheet annual meeting	19
Ballot	29
Bank bonds, liquidator to produce	65
Bills of exchange, liquidator may accept and endorse	64
Board of directors	29
Bona fides of applications	9
Books of account of public utility company	59
Books	44
Books, where to be kept	45
Books of account to be kept	46
Books to be <i>prima facie</i> evidence	46
Books to be open for inspection	46
Borrowing powers	27
Borrowing power restricted	41
Borrowing powers, limiting	9

	PAGE.
Borrowing powers of public utility to company limited	58
Branches, establishment of	5
Brokerage	34
Brokerage may be paid	34
By-laws	30
By-laws may be varied	31
By-laws, confirmation of	31
By-law of municipality enabling public utility company	58
By-laws authorizing sale of mining company shares must be verified and fyled	54
By-laws of public utility company	58
Business, company being wound up to cease	61
Calling in instalments	23
Capital to be set out in petition	4
Capital not to be applied in paying commissions except as authorized	34
Capital, increase of	8
Capital, decrease of	8
Capital, creation of share capital of corporation	6
Capital of companies operating public utility to be sufficient.....	57
Capital to be correctly stated in advertisements, &c.	38
Case of death of contributory	61
Certificate of shares	22
Certificate of shares, what to contain	54
Certain informalities not to invalidate letters patent, &c.	14
Certificate of Provincial Secretary that company is entitled to commence business	42
Change by by-law of number of directors or of Head Office in Ontario	30
Change of name or terms of application	5
Charges by public utility companies	58
Change of name if objectionable	18
Chairman	69
Chairman to be elected when necessary	21
Commissions	33
Commencement of winding up	61
Company may be wound up, when	61
Company not to purchase shares or securities of other companies	32
Company with less than five members	15
Company insolvent, Directors' liability on payment of dividends	32
Companies offering shares for public subscription	40
Companies to which Act applies	72
Conduct of affairs generally	31
Confirmation of By-laws	31
Consent of holders of preference shares to redemption	28
Consequences of winding up	62
Consideration for purchase to be set out in prospectus	36
Costs on application for rectification of books	45
Contents of statement to be made to shareholders at annual meeting	19
Contribution from co-director	40
Contributory	60
Contributory, nature of liability	61
Conversion of preference shares	27

	PAGE.
Corporation includes company	3
Corporations formed for certain purposes may be incorporated by letters patent	3
Corporation to cease business	61
Court, winding up by order of	68
Court, powers of, in winding up	68
Court in winding up	60
Creation of capital of corporation without share capital	6
Creditors' rights on change of name	18
Creditors, rights of	8
 Date of prospectus	 34
Debentures	27
Debenture stock	27
Debentures not to be issued by trust companies	56
Declaration filed with Provincial Secretary, the conditions re- garding subscriptions complied with	42
Decision as to titles on application for rectification of books.....	45
Deceased contributory	61
Decrease of capital	8
Deposit of share warrants	25
Deposit in bank by liquidators	65
Deposit by liquidator, after dissolution, of moneys with sworn statement	72
Deposit of annual summary with Provincial Secretary	51
Directors' services, &c.	31
Directors may refuse transfer of shares in certain cases	22
Directors' liability if they allow transfers to persons without means	23
Directors contravening provisions regarding minimum allotment subject to penalty	41
Directors may fill vacancies in auditors	48
Directors' names to be set out in prospectus	35
Directors, same number as provisional	28
Directors, number not less than three	29
Directors, payment of	31
Directors, change of number	30
Directors, may make by-laws	30
Directors' powers to cease on appointment of liquidators	63
Directors, provisional	4
Directors not to vote on contracts in which they have a per- sonal interest	31
Directors to call meeting	20
Description of plant and works of public utility company to be filed	58
Discussion at statutory meeting	44
Discount on shares	54
Disposition of unclaimed dividends	71
Dissolution of company	71
Dividends	30
Dividend of public utility to company limited	58
 Effect of irregular allotment	 41
Entry of transfer	23

	PAGE.
Entries of share warrants	25
Entries in register where share warrant issued	24
Evidence of by-laws	52
Examination of persons before court or liquidator	69
Examination of affairs of company on resolution of shareholders	47
Examination on oath under order for inspection	47
Executive Committee	29
Existence of public utility company limited	58
Existence of company may be extended by Supplementary Letters Patent	59
Expropriation	60
Extending powers by Supplementary Letters Patent	9
Extension of powers on re-incorporation	7
Failure to make annual returns	17
Failure to elect directors, how remedied	29
False returns, &c.	47
Fees on letters patent, &c., to be fixed by Order-in-Council	52
Fines	31
First auditors	48
First meeting	18
First meeting, time of calling	18
Forfeiture of charter for non-user	14
Forfeiture of real estate	13
Forfeiture of shares	23
Head Office to be set out in petition	4
Holders of share warrants	24
Incorporation of corporations without share capital	5
Incidental powers withheld	12
Increase of capital	8
Indemnity where name of person has been improperly inserted... ..	39
Investigation of trust companies	56
Instalments, calls	23
Insolvent company, directors' liability	32
Inspectors	65
Inspection of books	59
Inspection of books	69
Interest of directors in property taken by company	36
Interpretation	60
Issue of share warrants	24
Joint agreement between directors proposing to amalgamate, &c.	6
Joint holders of stock	26
Joint shareholder's certificate	22
Letters of administration, liquidators may take out	64
Letters Patent, amendment	9
Liability under general law not affected	38
Liability of trust companies	56
Liability of directors declaring a dividend when a company is insolvent, &c.	32
Liability of directors for wages	32-55

	PAGE.
Liability for statements in prospectus	38
Liability for refusal to allow inspection of books	46
Liability of shareholders	26
Limited, use of the word	16
Limitation of existence of public utility to company	58
Limitation of dividend of public utility to company	58
Limitation of borrowing powers of public utility to company	58
Limitation of prosecutions	17
Limiting borrowing powers (Supplementary Letters Patent)	9
Liquidators	63
Liquidators, removal of	68
Liquidators to produce bank pass book at meetings, &c.	65
Liquidators may distribute assets after expiration of time fixed ..	66
Liquidators to produce bank pass book when ordered	65
List of shareholders	50
List of shareholders to be produced at statutory meeting	43
Loan by company to shareholders	32
Lost share certificate	22
Lost share warrant	25
Making other provisions by supplementary letters patent	9
Meetings, by-law regulating	30
Meeting, statutory	43
Meetings of corporation during winding up	65
Meetings of members of company may be ordered	69
Meeting, first of company	18
Meetings out of Province	22
Meetings at place of Head Office	22
Memo. of agreement	4
Minimum subscriptions	40
Mortgages	27
Mortgagor of stock may vote	26
Mortgages to secure debentures, &c.	28
Money to remain on deposit for three years after winding up	72
Municipal franchises operated by companies	57
Municipality not to be prejudiced in taking over undertaking of public utility to company	58
Name in petition	4
Names of applicants	4
Names, change of on application of company	18
Names, &c., of auditors	36
Name, change of, objectionable	18
Name to be free from objection	17
Nature of liability of contributory	61
No action to abate on amalgamation or redemption	8
Notice of change of head office	30
Notice of issuing letters patent	10
Notice to Provincial Secretary	32
Notice of application for incorporation of public utility to com- pany	58
Notice of meeting	19
Notice of resolution to be given	62
Notice fixed by Order-in-Council	16

	PAGE.
Notice to Provincial Secretary	15
No liability	53
No loan by company to shareholder	32
No suit or action against corporation after winding up	62
"No personal liability" to appear on documents issued by com- pany	54
No compliance with Act to file returns, &c., without payment of fees	52
Not to purchase shares of other corporations	32
Not to be issued until fyled, prospectus	35
Number of directors	29
Objects in petition	4
Objection to name	17
Officers	30
Ontario Gazette, notice of meetings	19
Ontario Gazette, Order-in-Council	16
Ontario Gazette, notice of letters patent	10
Ontario Gazette, change of name	18
Ontario Gazette, notice of change of directors or head office	30
Ontario Gazette, by-laws of public utility to be published in... ..	58
Ontario Gazette, notice of winding up	62
Oaths under Act	9
Order for delivery, by contributories and others, of property, &c.	69
Order for dissolution	71
Order-in-Council, forms	16
Order-in-Council, notice	16
Payment of costs and expenses in winding up	63
Payment on application for shares	41
Payments to president or directors	31
Particulars of material contracts	36
Particulars as to incorporators	35
Penalty	37-38
Penalty for false entries	45
Penalty for not using word "limited"	16
Penalty for commencing business when conditions precedent not complied with	42
Penalty for removing books	45
Penalty for default in making return of allotment	43
Penalty false returns	47
Penalty for non-production	47
Penalty on default in reporting by liquidator or in making return	71
Penalty for default in fyling and posting annual returns	51
Penalty on omission to deposit after winding up completed.....	72
Penalty, use of word "limited"	16
Penalties imposed by public utility companies	58
Petitions for corporations without share capital	5
Petition for incorporation	4
Petitioners to be <i>bona fide</i> subscribers to shares	4
Poll when demanded	21
Posting annual summary	51
Powers of court in winding up	68
Powers and duties of inspector	47

	PAGE.
Power of court to assess damages against delinquent directors, &c.	69
Power to compromise with debtors and contributories	66
Power of liquidators	64
Power to accept shares, &c., as a consideration for sale of property to another company	66
Powers of judge as to entries in, omissions from, and rectification of books	45
Powers of court to be in addition to other powers	70
Powers incident to company	10
Powers, extension of	9
Powers of directors to cease on appointment of liquidator	63
Preference shares	27
Preliminary conditions to be established on application	9
Preliminary expenses	36
President, payment of	31
President and officers	29
Presiding officer	21
Price payable to objecting member on sale of assets in winding up	67
Procedure as to resolution	21
Procedure at meetings	30
Proceeding in winding up after order	68
Proceeding on objection to sale in winding up	67
Proceedings by contributories at their own expense and for their own benefit only	70
Promoter's remuneration	36
Proofs of matters under this Act	9
Proof of service	53
Production of books and documents	47
Prospectus, meaning of	33
Prospectus to be signed and fyled	35
Provincial Secretary may appoint auditors	48
Provincial Secretary, notice to	32
Provincial Secretary to certify that company is enabled to commence business	42
Provincial Secretary may investigate public utility company..	59
Provincial Secretary may investigate trust companies	56
Province, meetings out of	22
Provisional directors	28
Proxies	30
Public utilities operated by companies	57
Public utility companies may pass by-laws imposing penalties..	58
Public utility company to make additional return	59
Publication of by-law of public utility company	58
Quorum	30
Qualifications of directors	29
Qualification and remuneration of directors	35
Real estate	13
Record books to be kept, and what to contain	44
Re-dividing shares by Supplementary Letters Patent	8
Refusal to allow inspection of books	46
Regulations regarding share warrants	24

Regulations regarding applications for incorporation of trust companies	56
Re-incorporation of corporation	7
Removal of officers	30
Removal of liquidator	68
Remuneration of auditors	49
Register of share warrants	24
Report to Provincial Secretary by liquidator	71
Report to first meeting of directors	18
Report of auditors, annual meeting	19
Report to be filed with Provincial Secretary	43
Report to be forwarded, shareholders	43
Return of holding of final meeting in winding up to be sent to the Provincial Secretary	71
Return of allotments	42
Returns of public utility to companies	59
Return to Provincial Secretary	42
Return of contract under which shares allotted otherwise than for cash	42
Repayment minimum allotment not subscribed	41
Reserve Fund	9
Restrictions on allotment	40
Restrictions on commencement of business	41
Restrictions to holding real estate	13
Restrictions as to transfers	23
Resolutions for winding up	61
Revocation of charter	14
Rights and duties of auditors	49
Rights of creditors preserved on amalgamation or reincorporation	8
Rights of creditors preserved on change of name	18
Rules of procedure in winding up	71
Sale or arrangement by liquidators binding unless a member objects	67
Sale of shares on non-payment of calls	54
Sanction of by-law	28
Seal, change of	13
Selling shares below par	55
Separate deposit account to be kept by liquidators, withdrawal from account	65
Service of notices	53
Set-off	26
Shares	30
Shares issued at discount	54
Shares, forfeiture of	23
Share warrants	24
Share warrants, issue of	24
Share warrants, holders	24
Share warrants, surrender of	24
Share warrants, regulations	24
Share warrants, deposit of	25
Shares and bonds allotted for other than cash consideration	35
Shares, personal estate	22
Shares, redividing	8

	PAGE.
Shareholders of public utility to company may inspect books.....	59
Shareholders not liable beyond unpaid amount	26
Shareholders in arrear not to vote	21
Shareholders entitled to copy of annual report	19
Shareholders entitled to certificate of shares	22
Special meetings	20
Special resolution not invalid because prior to resolution to wind up	67
Stay of proceedings in winding up	70
Statements in prospectus for raising further capital	39
Statutory meetings	43
Subscription upon which allotment may proceed	35
Suit against company being wound up, stayed	62
Supplementary Letters patent for certain purposes	8
Supplementary Letters Patent in certain cases	28
Surrender of share warrants	24
Surrender of charter	15
Time of service	53
Terms of issue of preference shares	28
Tolls of public utility companies	58
Transfers, entry of	23
Transfer valid only after entry	23
Trusts	25
Trust companies not to issue debentures	56
Trustees not personally liable	26
Trustees, &c., may vote	26
Trust companies not to act as guardians or committees	56
Two-thirds vote, preference shares	28
Two-thirds vote, purchase of shares in other companies	32
Two-thirds vote, in payment to directors	31
Two-thirds vote, on amalgamation of corporations	7
Two-thirds vote, on by-law changing number of directors or head office	30
Vacancies	29
Vacancy in offices of liquidator	66
Varying capital stock by Supplementary Letters Patent	8
"Vendor," what to include	36
Vendors of property to company	35
Verification on annual summary	51
Voluntary winding up	61
Votes	21
Wages, directors' liability	32
Waiver of compliance with section to be void	37
Waiver of conditions regarding minimum allotment void	41
What companies must file prospectuses	34
What the report is to contain	59
What to be disclosed in prospectus	35
When poll is demanded	21
When prospectus advertised in newspaper	37
When "vendor" includes "lessor"	37
Who may apply for winding up	68

	PAGE.
Who may prosecute—application of penalty	38
Winding up	60
Winding up of order, who may apply for	68
Winding up by Court	68
Winding up order, proceedings after	68
Winding up, commencement	61
Word, "corporation"	3
Word, "company"	3
Word, "contributory"	60
Word, "Court"	60
Word, "commission"	33
Word, "limited"	16
Word, "lessor" ¹	37
Word, "prospectus"	33
Word, "vendor"	36
Yearly elections	29

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[1907

An Act respecting Joint Stock and other Companies.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as *The Ontario Companies Act*. Short title.
5 R.S.O. cap. 191, s. 1.

2. The word “corporation” shall include a company Interpretation
with capital divided into shares. *New.*

PART I.

INCORPORATION, RE-INCORPORATION, AMALGAMATION.

10 3. The Lieutenant-Governor may, by Letters Patent, Corporations formed for certain purposes may be incorporated by letters patent. grant a charter to any number of persons, not less than five, of the age of twenty-one years, who petition therefor, constituting such persons and any others who have or may thereafter become subscribers to the memorandum or agree-
15 ment hereafter referred to, a body corporate and politic with or without capital divided into shares, for any of the purposes to which the authority of the Legislature of Ontario extends, except the construction or working of railways for public use within Ontario, the business of insurance, and of loan corporations within the meaning of *The Loan Corporations Act*. R.S.O., cap 191, s. 9, *amended*.
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4.—(1) The applicants for incorporation of a company with capital divided into shares, may petition the Lieutenant-Governor, through the Provincial Secretary, for the
25 grant of Letters Patent. The petition of the applicants shall show:

(a) The proposed corporate name of the company; Name.

- Object. (b) The objects for which the company is to be incorporated;
- Head office. (c) The place within Ontario where the head office of the company is to be situated;
- Capital. (d) The amount of the capital stock of the company, the number of shares, and the amount of each share;
- Names of applicants. (e) The name in full, the place of residence and the calling of each of the applicants;
- Directors. (f) The names of the applicants, not less than three, who are to be the provisional directors of the company.

Form of Petition. (2) The petition may be in the form or to the effect set out in Schedule "A" to this Act, and shall be accompanied by a memorandum of agreement, executed in duplicate in the form or to the effect set out in Schedule "B" to this Act. 15

Memo. of agreement.

Petitioners to be bona fide holders for shares.

(3) Each petitioner shall be the *bona fide* holder in his own right of the share or shares for which he has subscribed in the memorandum of agreement. 20

(4) The petition may ask to have embodied in the letters patent any provision which, under this Act might be embodied in any by-law of the company when incorporated. R.S.O. cap. 191, s. 10, *amended*.

Petition for incorporation without share capital.

5.—(1) The applicants for the incorporation of a corporation not having share capital may petition the Lieutenant-Governor through the Provincial Secretary for the Grant of Letters Patent. The petition of the applicants shall show: 25

- (a) The proposed corporate name of the corporation; 30
- (b) The objects for which the corporation is to be incorporated;
- (c) The place within Ontario where its objects are to be carried out;
- (d) The name in full, the place of residence and the calling of each of the applicants; 35

(2) The petition may be in the form or to the effect set out in Schedule "C" to this Act.

Memorandum of agreement.

(3) The petition shall be accompanied by a memorandum of agreement signed by the petitioners setting out such regulations as may be deemed expedient—(1) for the selection of members, trustees, directors and officers; (2) for the holding of meetings of members, trustees and di- 40

rectors; (3) for the establishment of branches; (4) for the payment of directors, trustees, officers and employees; (5) for the control and management of the affairs of the corporation. The memorandum shall be expressed in separate paragraphs numbered consecutively, and may be in the form or to the effect set out in Schedule "D" to this Act, and the petitioners may adopt all or any of its provisions or substitute others in lieu thereof. *New.*

6. The Lieutenant-Governor on any application for Letters Patent or Supplementary Letters Patent may give a different name to the corporation than that proposed and may vary the objects or other provisions or terms. *New.*

Change of name or terms of application.

7. Any corporation without share capital heretofore or hereafter incorporated upon the consent in writing of all the members of such corporation, may by by-law provide for the creation of a capital divided into shares and may provide for the allotment and payment of such shares and fix and prescribe the rights and privileges of the shareholders therein; Provided, however, that no such by-law shall be valid until confirmed by letters patent. *New.*

Creation of capital of corporation without share capital.

8.—(1) Any two or more corporations incorporated under the laws of this Province, and having the same or similar objects within the scope of this Act, may, in the manner herein provided, amalgamate, and may enter into all contracts and agreements necessary to such amalgamation.

Amalgamation of corporations.

(2) The corporations proposing to amalgamate as aforesaid, may enter into a joint agreement for the amalgamation, prescribing the terms and conditions thereof, the mode of carrying the same into effect, the name of the new corporation, the names, callings and plans of residence of the first directors thereof, and how and when the subsequent directors shall be elected, with such other details as may be necessary to perfect the amalgamation and the subsequent management and working thereof, and in cases of companies having capital divided into shares the number of shares of the capital, the amount of par value of each share, and the manner of converting the share capital of each of the said corporations into that of the new corporation.

Joint agreement between directors proposing to amalgamate, etc.

(3) The agreement shall be submitted to the shareholders or members of each of the said corporations at a general meeting thereof, called for the purpose of taking the same into consideration.

To be submitted to shareholders or members of each corporation.

(4) At such meetings of shareholders or members the agreement shall be considered, and if two-thirds of the votes of all the shareholders or members of each of such

corporations are for the adoption of the agreement, then that fact shall be certified upon the agreement by the secretary of each of such corporations under the corporate seal thereof; thereupon the several corporations by their joint petition may, through the Provincial Secretary, apply 5 to the Lieutenant-Governor for Letters Patent confirming the said agreement, and on and from the date of the said Letters Patent the said corporations shall be deemed and taken to be amalgamated and to form one corporation by the name in the Letters Patent provided, and the corpor- 10 ation so incorporated, shall possess all the properties real, personal and mixed, rights, privileges and franchises and be subject to all the liabilities, contracts, disabilities and duties of each of the corporations so amalgamated. R.S.O. cap. 191, s. 103, ss. 1, 2, 3, 4, *amended*. 15

Re-incorporation of corporation.

9. Any corporation incorporated for purposes or objects within the scope of this Act, whether under a special or general Act, and being at the time of its application a subsisting and valid corporation, may apply for letters patent under this Act; and the Lieutenant-Governor may 20 grant Letters Patent incorporating the shareholders or members of the said corporation as a corporation under this Act. R.S.O. cap. 191, s. 104.—1, *in part*.

Extension of powers on re-incorporation.

10. Where an existing corporation applies for the issue of Letters Patent under the provisions of the preceding sec- 25 tion, the Lieutenant-Governor may, by Letters Patent, extend the powers of the corporation to such other objects as the applicant desires, name the first directors of the new corporation, and give to the new corporation the name of the old corporation or any other name. R.S.O. cap. 191, 30 s. 105, *amended*.

Rights of creditors preserved.

11. All rights of creditors against the property, rights and assets of a corporation amalgamated or re-incorporated under the provisions of this Act, and all liens upon the property, rights and assets of such corporation, shall be 35 unimpaired by such amalgamation, or re-incorporation, and all debts, contracts, liabilities and duties of such corporations shall thenceforth attach to the amalgamated or re-incorporated corporation and may be enforced against it to the same extent as if the said debts, contracts, liabil- 40 ities and duties had been incurred or contracted by it. R.S.O. cap. 191, s. 103, ss. 6, *amended*.

No action to abate.

12. No action or proceeding shall abate or be affected by such amalgamation or re-incorporation, but for all the purposes of such action or proceeding, such corporation may 45 be deemed still to exist, or the new corporation may be substituted in such action or proceeding in the place thereof. R.S.O. cap. 191, s. 103, ss. 7, *amended*.

13. Any corporation may from time to time pass by-laws by a vote of not less than two-thirds in value of those shareholders or members present in person or by proxy at a general meeting of the corporation duly called for considering the subject of such by-laws authorizing an application by petition to the Lieutenant-Governor, to direct the issue of Supplementary Letters Patent to the corporation, embracing any or all of the following matters:

Supplementary letters patent for certain purposes.

- 10 (a) Increasing or decreasing the capital; provided, however, that the capital of a company shall not be increased until ninety per centum thereof has been subscribed and ten per centum paid thereon, and further provided, that on a reduction of the capital of a company the liability of shareholders to persons who at the time of such reduction are creditors of the company shall remain as though the reduction had not been made.
- 15 (b) Redividing the capital of the company into shares of smaller or larger amount;
- 20 (c) Extending the powers of the corporation to any objects which the corporation may desire;
- (d) Limiting or increasing the amount which the corporation may borrow upon debentures or otherwise;
- 25 (e) Varying any provision contained in the special Act or Letters Patent incorporating the corporation;
- 30 (f) Making provision for any other matter or thing in respect of which provision might have been made had the corporation been incorporated under this Act. R.S.O. cap. 191, s. 17-21, 102, 106, *amended*.

Varying capital stock.

Re-dividing shares.

Extending powers.

Limiting borrowing powers.

Amending charter.

Making other provisions.

14. Before Letters Patent or Supplementary Letters Patent are issued the applicants shall establish to the satisfaction of the Provincial Secretary the sufficiency of the petition, memorandum of agreement, by-law, resolution and all documents filed on such application, and shall furnish such evidence of the *bona fides* of any application as he may deem necessary. R.S.O. cap. 191, s. 12, *amended*.

Preliminary conditions to be established

15.—(1) The Provincial Secretary, or any officer to whom the application may be referred, may for any purpose under this Act, take evidence in writing, under oath or affirmation.

Proofs of matters under this Act.

45 (2) Proof of any matter which may be necessary to be made under this Act, may be made by statutory declaration, affidavit, or deposition before the Provincial Secre-

tary, or officer as aforesaid, or before any other person authorized to take affidavits. R.S.O. cap. 191, s. 13, *amended*.

Notice of
issuing letters
patent.

16. Notice of the granting of Letters Patent or Supplementary Letters Patent, shall be given forthwith by the Provincial Secretary in the *Ontario Gazette*, and the corporation shall be deemed to be existing from the date of the Letters Patent incorporating the same. R.S.O. cap. 191, s. 15, *amended*. 5

Powers inci-
dent to
company.

17. A company having share capital shall possess the following powers as incidental and ancillary to the powers set out in the Letters Patent or Supplementary Letters Patent:— 10

- (a) To carry on any other business (whether manufacturing or otherwise) which may seem to the company capable of being conveniently carried on in connection with its business or calculated directly or indirectly to enhance the value of or render profitable any of the company's property or rights; 15
- (b) To acquire or undertake the whole or any part of the business, property and liabilities of any person or company carrying on any business which the company is authorized to carry on, or possessed of property suitable for the purposes of the company; 20 25
- (c) To apply for, purchase or otherwise acquire, any patents, licenses, concessions and the like, conferring any exclusive or non-exclusive, or limited right to use, or any secret or other information as to any invention which may seem capable of being used for any of the purposes of the company, or the acquisition of which may seem calculated directly or indirectly to benefit the company, and to use, exercise, develop or grant licenses in respect of, or otherwise turn to account the property, rights or information so acquired; 30 35
- (d) To enter into partnership or into any arrangement for sharing of profits, union of interests, co-operation, joint adventure, reciprocal concession or otherwise, with any person or company carrying on or engaged in or about to carry on or engage in any business or transaction which the company is authorized to carry on or engage in, or any business or transaction capable of being conducted so as directly or indirectly to benefit the company; and to lend money to, guarantee the contracts of, or otherwise assist 40 45

any such person or company, and to take or otherwise acquire shares and securities of any such company, and to sell, hold, re-issue, with or without guarantee, or otherwise deal with the same;

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(e) To take, or otherwise acquire and hold, shares in any other company having objects altogether or in part similar to those of the company or carrying on any business capable of being conducted so as directly or indirectly to benefit the company;

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(f) To enter into any arrangements with any authorities, municipal, local or otherwise, that may seem conducive to the company's objects, or any of them, and to obtain from any such authority any rights, privileges and concessions which the company may think it desirable to obtain, and to carry out, exercise and comply with any such arrangements, rights, privileges and concessions;

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(g) To establish and support or aid in the establishment and support of associations, institutions, funds, trusts and conveniences calculated to benefit employees or ex-employees of the company (or its predecessors in business) or the dependants or connections, of such persons, and to grant pensions and allowances, and to make payments towards insurance, and to subscribe or guarantee money for charitable or benevolent objects, or for any exhibition or for any public, general or useful object;

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30

(h) To promote any company or companies for the purpose of acquiring all or any of the property and liabilities of the company, or for any other purpose which may seem directly or indirectly calculated to benefit the company;

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(i) To purchase, take on lease or in exchange, hire or otherwise acquire, any personal property and any rights or privileges which the company may think necessary or convenient for the purposes of its business and in particular any machinery, plant, stock-in-trade;

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(j) To construct, improve, maintain, work, manage, carry out or control any roads, ways, tramways, branches or sidings, bridges, reservoirs, watercourses, wharves, manufactories, warehouses, electric works, shops, stores and other works and conveniences which may

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seem calculated directly or indirectly to advance the company's interests, and to contribute to, subsidize or otherwise assist or take part in the construction, improvement, maintenance, working, management, carrying out or control 5 thereof;

- (k) To lend money to customers and others having dealings with the company and to guarantee the performance of contracts by any such persons;
- (l) To draw, make, accept, endorse, discount, execute 10 and issue promissory notes, bills of exchange, bills of lading, warrants, and other negotiable or transferable instruments;
- (m) To sell or dispose of the undertaking of the company or any part thereof for such consideration 15 as the company may think fit, and in particular for shares, debentures or securities of any other company having objects altogether or in part similar to those of the company;
- (n) To adopt such means of making known the pro- 20 ducts of the company as may seem expedient, and in particular by advertising in the press, by circulars, by purchase and exhibition of works of art or interest, by publication of books and periodicals and by granting prizes, rewards 25 and donations;
- (o) To sell, improve, manage, develop, exchange, lease, dispose of, turn to account or otherwise deal with all or any part of the property and rights of the company; 30
- (p) To do all or any of the above things as principals, agents, contractors, trustees or otherwise, and either alone or in conjunction with others;
- (q) To do all such other things as are incidental or conducive to the attainment of the above ob- 35 jects;

Provided however, that the powers set out in any or all of the foregoing paragraphs may be withheld by the Letters Patent or Supplementary Letters Patent. *New.* 40

18. Any corporation incorporated under this Act shall have power—

Seal.

- (a) To alter or change its common seal at pleasure. R.S.O. cap, 191, 25 (a);

Buildings, etc.

- (b) To construct, maintain and alter any buildings or works necessary or convenient for the purposes of the corporation. R.S.O. cap. 191, 25 (d); 45

- (c) To acquire by purchase, lease or other title and to hold, use, sell, alienate and convey any real estate necessary for the carrying on of its undertaking, and the corporation shall, upon its incorporation, become and be invested with all the property and rights, real and personal theretofore held by or for it under any trust created with a view to its incorporation. Real estate.
- 5 R.S.O. cap. 191, s. 25 (g).

- 10 19. Unless other special statutory enactments apply, no parcel of land or interest therein at any time acquired by the corporation and not required for its actual use and occupation or not held by way of security, or not situate within the limits or within one mile of the limits of any
- 15 city or town, shall be held by the corporation or by any trustee on its behalf, for a longer period than seven years after the acquisition thereof, or after it has ceased to be required for the ordinary purposes of the corporation, but shall be absolutely sold and disposed of, so that
- 20 the corporation shall no longer retain any interest therein unless by way of security; and any such parcel of land or any interest therein not within the exceptions herebefore mentioned, held by the corporation for a longer period than seven years, without being disposed of, shall
- 25 be forfeited to His Majesty for the use of this Province; provided that the Lieutenant-Governor may extend the said period from time to time not exceeding in the whole twelve years; and further provided that no such forfeiture shall take effect or be enforced until the expiration of at
- 30 least six calendar months after notice in writing to the corporation of the intention of His Majesty to claim such forfeiture, and during such six months the corporation may dispose of the same; and it shall be the duty of the corporation to give the Lieutenant-Governor, when required, a
- 35 full and correct statement of all lands at the date of such statement held by or in trust for the corporation. R.S.O. c. 191, s. 25, *in part*. Restrictions to holding real estate.

20. The provisions of this Act relating to matters preliminary to the issue of the Letters Patent or Supplementary Letters Patent shall be deemed to be directory only; and no Letters Patent or Supplementary Letters Patent, notice, order or other proceeding by or on behalf of the Lieutenant-Governor, Provincial Secretary or other Government or Departmental officer under this Act shall be
- 40 held to be void or voidable on account of any irregularity, or otherwise in respect of any matter preliminary to the issue of the Letters Patent or Supplementary Letters Patent, notice, order or other proceeding or of any alterations in any petition or documents submitted in order to
- Certain informalities not to invalidate letters patent, etc.

make them comply with this Act or with the departmental practice thereunder. R.S.O. cap. 191, s. 96.

Forfeiture of
charter for
non-user.

21. If a corporation incorporated by Letters Patent does not go into actual operation within two years after incorporation or for two consecutive years does not use its corporate powers, such powers, except so far as is necessary for the winding up of the corporation, shall be forfeited, and its name in whole or in part may be granted to another corporation, and in any action or proceeding where such non-user is alleged, proof of user shall lie upon the corporation, provided, however, that no such forfeiture shall affect prejudicially the rights of creditors as they exist at the date of such forfeiture. R.S.O. cap. 191, s. 98, *amended*.

Revocation of
charter.

22. The Letters Patent by which a corporation is incorporated and any Supplementary Letters Patent amending or varying the same, may, at any time, be declared to be forfeited and may be revoked and made void by an Order of the Lieutenant-Governor on sufficient cause being shown in that behalf, and such forfeiture, revocation and making void may be upon such conditions and subject to such provisions as to the Lieutenant-Governor may seem proper. R.S.O. cap. 191, s. 99.

Company with
less than five
members.

23. If a corporation exercises its corporate powers when the number of its shareholders or members is less than five, for a period of six months after the number has been so reduced, every person who is a shareholder or member of the corporation during the time that it so exercised its corporate powers after such period of six months and is cognizant of the fact that it is so exercising its corporate powers with less than five shareholders or members, shall be severally liable for the payment of the whole of the debts of the corporation contracted during such time and may be sued for the same without the joinder in the action or suit of the corporation or of any other shareholder or member, but any shareholder or member who has become aware that the corporation is exercising its corporate powers when the number of its shareholders or members is less than five, may serve a protest in writing on the corporation and may by registered letter notify the Provincial Secretary of such protest having been served and of the facts upon which it is based and such shareholder or member may thereby and not otherwise from the date of his said protest and notification exonerate himself from liability, and if after notice from the Provincial Secretary, the corporation refuses or neglects to bring the number of its shareholders or members up to five such refusal or neglect may, upon the report of the Provincial Secretary, be regarded by the Lieutenant-

Governor as sufficient cause for the revocation of the charter of the corporation. R.S.O. cap. 191, s. 100, *amended*.

24. The charter of a corporation incorporated by letters patent may be surrendered if the corporation proves to the satisfaction of the Lieutenant-Governor:—, Surrender of charter.

- (a) That it has no debts existing or other rights in question, or,
- (b) That it has parted with its property, divided its assets rateably amongst its shareholders or members and has no debts or liabilities, or,
- (c) That the debts and obligations of the corporation have been duly provided for or protected or that the creditors of the corporation or other persons holding them consent;
- (d) And that the corporation has given notice of the application for leave to surrender by publishing the same once in the *Ontario Gazette* and once in a newspaper published at or as near as may be the place where the corporation has its head office, or if it be without share capital where its operations are carried on;

And the Lieutenant-Governor upon a due compliance with the provisions of this section, may accept the charter and direct its cancellation, and may, by his Order, fix a date upon and from which the corporation shall be deemed to be dissolved, and the corporation shall thereby and thereupon become dissolved accordingly. R.S.O. cap. 191, s. 101, *amended*.

25. The corporate existence of a corporation incorporated otherwise than by Letters Patent may be terminated by order of the Lieutenant-Governor upon petition therefor by such corporation under like circumstances, in like manner and with like effect as a corporation incorporated by Letters Patent may surrender its charter. *New*. End of existence of corporations.

26. The Lieutenant-Governor-in-Council may, from time to time, make regulations with respect to the following matters, namely:—

- (a) The cases in which notice of application for Letters Patent or Supplementary Letters Patent under this Act must be given;
- (b) The forms of Letters Patent, Supplementary Letters Patent, notices and other instruments and documents relating to applications and other proceedings under this Act;
- (c) The form and manner of the giving of any notice required by this Act;

and such regulations shall be published in the *Ontario Gazette*. R.S.O. cap. 191, s. 11, *amended*.

PART II.

NAME OF CORPORATION.

Use of word
"Limited."

27.—(1) The corporate name of every company with share capital shall have the word "Limited" as the last word thereof. 5

(2) Wherever the company or any director, manager, officer or employee thereof uses the name of the company, the word "Limited" shall appear as the last word thereof: 10
Provided, that stamping, writing, printing, or otherwise marking on goods, wares and merchandise of the company, or upon packages containing the same shall not be deemed to be within the provisions of this section: Provided also that where the word "company," "club," "association" or 15 other equivalent word forms part of the said name the word "Limited" may be abbreviated to "Ltd." or "Ld."

Penalty.

(3) Every company and every director, manager, officer or other employee making default in complying with the foregoing provisions of this section shall be liable upon 20 summary conviction to a penalty not exceeding ten dollars for each any every offence: Provided, that the offender upon a subsequent conviction for a similar offence committed after such first conviction shall be liable upon summary conviction to a penalty not exceeding one hundred dollars. 25

Proviso.

Limitation of
prosecutions.

(4) The prosecution or proceeding to recover a penalty for an offence against the foregoing provisions of this section shall be commenced within six months after the offence has been committed and not afterwards. 63 Vic. c. 23, s. 3, *amended*. 30

Name to be free
from objection

28. The name of every corporation shall not on any public ground be objectionable and shall not be that of any known corporation or association incorporated or unincorporated, or of any partnership or of any individual or any name under which any known business is being carried on, 35 or so nearly resembling the same as to deceive: provided, however, that a subsisting corporation, association, partnership, individual or person may consent that its or his name, in whole or in part, be granted to a new corporation incorporated for the purpose of acquiring its or his 40 business or promoting its objects. R.S.O. cap. 191, s. 10 (a), *in part amended*.

Failure to
make annual
returns.

29. The name of a corporation which has not, for three consecutive years, made the annual summary prescribed by this Act, may be given in whole or in part to a new cor- 45

poration, unless the defaulting corporation, on notice by the Provincial Secretary by registered letter addressed to the corporation or its president as shown by its last return, proves to the satisfaction of the Lieutenant-Governor that
 5 it is still a subsisting corporation; provided, that if at the end of one month from the date of such notice, the Provincial Secretary shall not have received from the corporation or its president response to such notice, the corporation may be deemed to be not a subsisting corporation, and no
 10 longer entitled to the sole use of its corporate name; and further provided, that when no annual summary has been filed by a corporation for three years immediately following its incorporation its name may be given to another corporation without notice and such corporation shall be
 15 deemed not to be subsisting. 1 Edw. VII. cap. 18, s. 3, *amended*.

30. In case it is made to appear to the satisfaction of the Lieutenant-Governor that any corporation is incorporated under a name the same as, or so similar to that
 20 of an existing corporation, company, partnership, association, individual, or business as to deceive, the Lieutenant-Governor may by Order, change the name of the corporation. R.S.O. c. 191, s. 24, *amended*.

Change of name if objectionable.

31.—(1) Where a corporation is desirous of changing
 25 its name, the Lieutenant-Governor, upon being satisfied that the corporation is in a solvent condition, and that the change desired is not for any improper purpose, and is not otherwise objectionable, may by Order change the name of the corporation. R.S.O. cap. 215, s. 1, *amended*.

Applications to Lieutenant-Governor to change names of companies.

30 (2) In case the proposed name is considered objectionable, the Lieutenant-Governor may change the name of the corporation to some unobjectionable name. R.S.O. cap. 215, s. 3, *amended*.

In case proposed name is objectionable.

32. Notice of the change of the name of a corporation
 35 shall be given by the Provincial Secretary by publication in the *Ontario Gazette*. *New*.

Notice of change.

33. No such alteration of name of a corporation shall affect the rights or obligations of the corporation; and all
 40 proceedings that might have been continued or commenced by or against the corporation by its former name may be continued or commenced by or against the corporation by its new name. *New*.

Rights of creditors preserved.

PART III.

MEETINGS OF COMPANY.

45 34.—(1) The provisional directors of a company not offering shares for public subscription, shall call a general

First meeting.

meeting of the company to be held at a convenient place within two months from the date of the Letters Patent for the purpose of electing directors, appointing auditors, sanctioning the by-laws of the company, and transacting such other business as may be necessary to enable the company to carry on its undertaking, and shall, at least ten days before the day on which such meeting is held, give notice of such meeting by registered letter addressed to each shareholder, setting out in detail the business to be transacted and matters to be considered thereat.

Report at first meeting.

(2) The provisional directors shall report to such meeting the number of shares subscribed or underwritten: the names of the subscribers or underwriters; the amount paid thereon; all contracts entered into by or on behalf of the company; the amount of the preliminary expenses and a financial statement of the affairs of the company signed by the auditors (if any). *New.*

Shareholders may call.

(3) If the said meeting is not called by the provisional directors as aforesaid, any three or more shareholders of the company may call the meeting. R.S.O. cap. 191, s. 16, *amended.*

Notice of meeting.

35. In default of other express provisions in such behalf in the special Act the Letters Patent or by-laws of the company, notice of the time and place for holding general meetings of the company, including the annual and special meetings shall be given at least ten days previously thereto by registered letter to each shareholder at his last known address, and by an advertisement in some newspaper published at or as near as may be to the head office and to the chief place of business of the company, if these differ, or in the *Ontario Gazette*. R.S.O. cap. 191, s. 50, *amended.*

Annual meeting.

36.—(1) The annual meeting of the shareholders of the company shall be held at such time and place in each year as the Special Act, Letters Patent, or by-laws of the company may provide, and in default of such provisions in that behalf the annual meeting shall be held at the place named in the Letters Patent as the place of the head office of the company, on the fourth Wednesday in January in every year.

(2) At such meeting the directors shall lay before the company,

(a) A balance sheet made up to a date not more than three months before such annual meeting;

(b) A statement of income and expenditure for the financial period ending upon the date of such balance sheet;

(c) The report of the auditor or auditors;

(d) Such further information respecting the company's financial position as the Letters Patent or the by-laws of the company may require;

5 and on resolution affirmed by shareholders holding at least five per centum of the capital of the company shall furnish a copy thereof to every shareholder personally present at such meeting and demanding the same.

(3) The balance sheet shall be drawn up so as to distinguish at least the following classes of assets and liabilities, namely:—

(a) Cash;

(b) Debts owing to the company from its customers;

15 (c) Debts owing to the company from its directors, officers and shareholders;

(d) Stock in trade;

(e) Expenditures made on account of future business;

(f) Land, buildings and plant;

20 (g) Goodwill, franchises, patents and copyrights, trademarks, leases, contracts and licenses;

(h) Debts owing by the company secured by mortgage or other lien upon the property of the company;

(i) Debts owing by the company but not secured;

25 (k) Amount received on common shares;

(l) Amount received on preferred shares;

(m) Indirect and contingent liabilities.

(New.)

30 37. The directors may and upon a requisition made in writing by the holders of not less than one-tenth of the sub-<sup>special meet-
ings.</sup>scribed shares of the company shall, convene a special general meeting of the company, to transact the business set out in the notice calling such meeting. R.S.O. cap. 191, s. 52, *amended*.

35 38. Upon the receipt of such requisition, which shall set out the objects for which such meeting is proposed to be called and shall be left at the head office of the company, the directors shall forthwith proceed to convene a special general meeting. If they do not cause the same to be held
40 within twenty-one days from date upon which the requisition was left at the head office of the company, any shareholders, holding not less than one-tenth in value of the subscribed shares of the company whether they signed the re-<sup>Directors to
call meeting.</sup>

quisition or not, may themselves convene such special general meeting. R.S.O. 1897, cap. 191, s. 53, 54.

Presiding officer.

39. The president of the company shall preside as chairman at every general meeting of the company; if there is no president or if at any meeting he is not present within 5 fifteen minutes after the time appointed for holding the meeting, the shareholders present shall choose some one of their number to be chairman. R.S.O. cap. 191, s. 58, 59.

Chairman to be elected when necessary.

Adjournment by consent.

40. The chairman may with the consent of the meeting 10 and subject to such conditions as the meeting may decide, adjourn any meeting from time to time and from place to place. R.S.O. cap. 191, s. 60.

Procedure as to resolution.

41. At any general meeting, unless a poll is demanded, a declaration by the chairman that a resolution has been 15 carried and an entry to that effect in the proceedings of the company, shall be *prima facie* evidence of the fact, without proof of the number or proportion of the votes recorded in favour of or against such resolution. R.S.O. cap. 191, s. 61. 20

Taking vote when poll is demanded.

42. If a poll is demanded, it shall be taken in such manner as the by-laws prescribe, and in case the by-laws make no provision therefor, then as the chairman may direct. In the case of an equality of votes, at any general meeting, the chairman shall be entitled to a second or casting vote. 25 R.S.O. cap. 191, s. 62.

Votes.

43. Subject to the Special Act, Letters Patent or by-laws of the company, at all general meetings of the company every shareholder shall be entitled to as many votes as he holds shares in the company, and may vote by proxy, but 30 no shareholder being in arrear in respect of any call shall be entitled to vote at any meeting of the company. R.S.O. cap. 191, s. 63, 64, *amended*.

Shareholders in arrear not to vote.

Place of meetings.

44. All meetings of the shareholders and directors shall be held at the place named in the Special Act or 35 Letters Patent or Supplementary Letters Patent as the place of the head office of the company, save and except when the company is authorized by the Special Acts, Letters Patent or Supplementary Letters Patent to hold meetings of shareholders or directors out of Ontario, and 40 a resolution for that purpose has been passed at a general meeting. *New*.

Application of part.

45. This part of the Act shall apply only to companies having share capital. *New*.

PART IV.

SHARES, CALLS.

46. Every shareholder shall, without payment, be entitled to a certificate under the common seal of the company specifying the share or shares held by him and the amount paid up thereon, provided that in respect of a share or shares held jointly by several persons, the company shall not be bound to issue more than one certificate, and delivery of a certificate for a share to one of several joint holders shall be sufficient delivery to all. *New.* Share certificate.
47. If a share certificate is defaced, lost or destroyed, it may be renewed on payment of such fee, if any, not exceeding twenty-five cents, and on such terms, if any, as to evidence and indemnity as the directors think fit. *New.* Lost certificate
48. The shares of the company shall be deemed personal estate and shall be transferable on the books of the company, in such manner and subject to such conditions and restrictions as by this Act, the special Act, the Letters Patent or by-laws of the company may be prescribed. Shares personal estate.
49. No shareholder of a co-operative cold storage company or association to which aid has been or may hereafter be granted under the provisions of any statute in that behalf, or of a cheese and butter manufacturing company carried on for co-operative purposes, shall hold shares exceeding \$1,000.
50. The directors may refuse to allow the entry in any such books, of any transfer of shares whereof the whole amount has not been paid in; and whenever entry is made in such book of any transfer of shares not fully paid in, to a person being of apparently not sufficient means, the directors present when such entry is authorized shall be jointly and severally liable to the creditors of the company in the same manner and to the same extent as the transferring shareholder, but for such entry, would have been; but if any director present, when such entry is allowed, forthwith enters a written protest against the same, and within eight days thereafter causes such protest to be notified, by registered letter, to the Provincial Secretary, such director may thereby, and not otherwise, exonerate himself from such liability. Directors may refuse transfer of shares in certain cases. Their liability if they allow transfers to persons without means.
51. The directors, upon the passing of a by-law authorizing the payment of a dividend upon shares of the company, may direct that no entry of transfers shall be made

in books of the company for a period of two weeks immediately preceding the payment of such dividend and payment thereof shall be made to the shareholders of record on the date of closing said books. *New.*

Transfer valid
only after
entry.

52. No transfer of shares unless made by sale under 5 execution, or under the order or judgment of some competent court in that behalf, shall, until entry thereof has been duly made, be valid for any purpose whatever, save only as exhibiting the rights of the parties thereto toward each other, and as rendering the transferee 10 liable, *ad interim*, jointly and severally with the transferor, to the company and its creditors, until entry thereof has been duly made in the books of the company. R.S.O. cap. 191, s. 29.

Transferor may
be notified.

53.—(1) The directors may, for the purpose of notify- 15 ing the person or persons registered therein as owners of such shares, refuse to allow the entry in any such books of a transfer of shares.

(2) Such owner may lodge caveat against the entry of such transfer, and thereupon such transfer shall not be 20 made for a period of forty-eight hours.

"(3) If within one week from the giving of such notice or the expiration of the said period of forty-eight hours, whichever last shall expire, no order shall have been served upon the company enjoining the entry of such transfer, the 25 company may enter the same.

(4) When a transfer is entered after the proceedings heretofore set out the company shall be free from liability in respect of shares so transferred to a person whose rights are purported to be transferred but without prejudice to 30 any claim which the transferor may have against the transferee. *New.*

Restrictions as
to transfers.

54. No shares shall be transferable until all previous calls have been fully paid in, or until declared forfeited for non- 35 payment of calls. R.S.O. cap. 191, s. 30.

Calling in
instalments.

55. The directors of the company may call in and demand from the shareholders thereof, the amount unpaid on shares by them subscribed or held, at such times and places and in such payments or instalments as the Letters Patent or this Act, or the by-laws of the company require 40 or allow; and interest shall accrue at the legal rate for the time being upon the amount of any unpaid call, from the day appointed for payment of such call. R.S.O. cap. 191, s. 32.

Forfeiture of
shares.

56. If, after a demand therefor, any call is not paid within the time and in the manner provided 45

by the Special Act or Letters Patent or by-laws the directors, by resolution to that effect, reciting the facts and duly recorded in their minutes, may summarily forfeit any shares whereupon such payment is not made; and the same shall thereupon become the property of the company and may be disposed of, as by by-law or otherwise the company may ordain; provided that such forfeiture shall not relieve any shareholder of any liability to the company or any creditor. R.S.O. cap. 191, s. 35, 10 *amended.*

57. A company if authorized so to do by Letters Patent or Supplementary Letters Patent and subject to the provisions thereof, may, with respect to any share which is fully paid up, issue under its common seal a warrant stating 15 that the bearer of the warrant is entitled to the share or shares therein specified, and may provide, by coupons or otherwise, for the payment of the future dividends on the share or shares included in such warrant, hereinafter referred to as a share warrant. *New. Imp. Act, 1867,* 20 *s. 27.*

Issue of share warrants.

58. A share warrant shall entitle the bearer of such warrant to the shares specified in it and such shares may be transferred by the delivery of the share warrant. *New. Imp. Act, 1862, s. 28.*

Holders of share warrants.

59. The bearer of a share warrant shall, subject to the provisions and regulations contained in the Letters Patent or Supplementary Letters Patent respecting share warrants, be entitled on surrendering such warrant for cancellation, to have his name entered as a shareholder in 30 the register of shareholders, and the company shall be responsible for any loss incurred by any person by reason of the company entering in its register of shareholders the name of any bearer of a share warrant in respect of the shares specified therein without the share warrant being 35 surrendered and cancelled. *New. Imp. Act, 1867, s. 29.*

Surrender of share warrants.

60. The bearer of a share warrant may, if the regulations respecting share warrants so provide, be deemed to be a shareholder of the company, either to the full extent or for such purposes as may be prescribed by such regulations; 40 provided, that the bearer of a share warrant shall not be qualified in respect of the shares specified in such warrant for being a director of the company in cases where such a qualification is prescribed by the by-laws of the company. *New. Imp. Act, 1867, s. 30.*

Holders of share warrants not to be deemed shareholders for certain purposes.

61. On the issue of a share warrant in respect of any share, the company shall strike out of its register of shareholders the name of the shareholder then entered therein as holding such share as if he had ceased to be a shareholder, and shall enter in the register the following particulars:—

Entries in register where share warrant issued.

(1) The fact of the issue of the warrant;

(2) The statement of the shares included in the warrant, distinguishing each share by its number;

(3) The date of issue of the warrant.

New. Imp. Act, 1867, s. 31.

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Entries of share
warrants.

62. Until the warrant is surrendered the above particulars shall be deemed to be the particulars which are required by section 113 of this Act, to be entered in the register of shareholders of a company; and on the surrender of a warrant the date of such surrender shall be entered as if it were the date at which a person ceased to be a shareholder. *New. Imp. Act, 1867, s. 32.*

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Deposit of
share warrants.

63. The bearer of a share warrant may at any time deposit the warrant at the office of the company, and so long as the warrant remains so deposited the depositor shall have the same right of signing a requisition for calling a meeting of the company, and of attending and voting and exercising the other privileges of a member at any meeting held after the expiration of two clear days from the time of deposit, as if his name were inserted in the register of members as the holder of the share included in the deposited warrant. Not more than one person shall be recognized as depositor of the share warrant. The company shall on two days' written notice return the deposited share warrant to the depositor. *Imp. Act, Table A, 38.*

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Holders of
share warrants
not to sign
requisition for
meetings.

64. Subject as herein otherwise expressly provided no person shall, as a bearer of a share warrant, sign a requisition for calling a meeting of the company, or attend, or vote, or exercise any other privilege of a member at a meeting of the company; or be entitled to receive any notices from the company but the bearer of a share warrant shall be entitled in all other respects to the same privileges and advantages as if he were named in the register of members as the holder of the shares included in the warrant, and he shall be a member of the company. *Imp. Act, Table A, 39.*

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Lost share
warrant.

65. The directors may from time to time make rules as to the terms on which (if they shall think fit) a new share warrant or coupon may be issued by way of renewal in case of defacement, loss or destruction. *Imp. Act, Table A, 40.*

Trusts.

66. The company shall not be bound to see to the execution of any trust, whether express, implied or constructive, in respect of any share; and the receipt of the shareholder in whose name the same stands on the books of the company shall be a valid and binding discharge to the company for any dividend or money payable in respect of such share, whether or not notice of the trust has been given to

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the company; and the company shall not be bound to see to the application of the money paid upon such receipt. R.S.O. cap. 191, s. 31.

67.—(1) Every executor, administrator, guardian or trustee shall represent the shares in his hands, at all meetings of the company and may vote accordingly as a shareholder, and every person who mortgages or hypothecates his shares may nevertheless represent the same at all such meetings, and may vote accordingly as a shareholder, unless in the instrument creating the mortgage or hypothecation he shall have expressly empowered the holder of such mortgage or hypothecation to vote thereon in which case only such holder or his proxy may vote in respect of said shares. R.S.O. cap. 191, 36, *amended*.

Trustees, etc., may vote.

Mortgagor of stock may vote.

(2) If shares be held jointly by two or more persons, any one of them present at a meeting may, in the absence of the other or others, vote thereon, but if more than one joint shareholder be present or be represented by proxy, they shall vote together on the shares jointly held. R.S.O. cap. 191, s. 36, *amended*.

Joint holders of stock.

68. Each shareholder, until the whole amount of his shares has been paid up, shall be individually liable to the creditors of the company to an amount equal to that not paid up thereon, but shall not be liable to an action therefor by any creditor before an execution against the company has been returned unsatisfied in whole or in part; and the amount due on such execution, but not beyond the amount so unpaid on his said shares, shall be the amount recoverable, with costs, against such shareholder. R.S.O. cap. 191, s. 37, ss. 1.

Liability of shareholders.

69. Any shareholder may plead by way of defence in whole or in part, any set-off which he could set up against the company, except a claim for unpaid dividend, or a salary or allowance as a president or a director of the company. R.S.O. cap. 191, s. 37, ss. 2.

Set-off.

70. The shareholders shall not, as such, be held responsible for any act, default or liability whatsoever, of the company, or for any engagement, claim, payment, loss, injury, transaction, matter or thing whatsoever, relating to or connected with the company, beyond the unpaid amount on their respective shares. R.S.I., cap. 191, s. 37, ss. 3.

Shareholders not liable beyond unpaid amount.

71. No person holding shares as executor, administrator, guardian or trustee, shall be personally subject to liability as a shareholder; but the estates and funds in the hands of such person shall be liable in like manner and to the same extent as the testator or intestate or the minor, ward, or person, interested in the trust fund, would be, if living and

Trustees not personally liable.

competent to act and holding such shares. R.S.O. cap. 191, s. 38.

Mortgages.

72. No person holding shares as collateral security shall, prior to foreclosure, be personally subject to liability as a shareholder, but the person transferring such shares as collateral security shall, until foreclosed, be considered as holding the same, and shall be liable as a shareholder in respect thereof. R.S.O. cap. 191, s. 39, *amended*.

PART V.

PREFERENCE AND DEBENTURE STOCK, DEBENTURES AND MORTGAGES.

73. The directors of a corporation may make by-laws:—

Borrowing powers.

(a) For borrowing money;

Debentures.

(b) For issuing bonds, debentures, or other securities.

And the directors of companies with share capital may make by-laws:—

Preference shares.

(1) For creating and issuing any part of the capital as preference shares;

Debenture stock.

(2) For creating and issuing debenture stock;

Conversion of preference shares.

(3) For the conversion of preference shares into common shares or debentures or debenture stock, debentures into debenture stock or preference shares, or any class of shares or securities into any other class. R.S.O. cap. 191, s. 49, *amended*.

Sanction of by-law.

74. No such by-law shall take effect until it has been confirmed by a vote of not less than two-thirds in value of the shareholders present in person or by proxy at a general meeting of the company, duly called for considering the same, by notice specifying the terms of the law to be confirmed or unanimously sanctioning in writing by the shareholders of the company. *New*.

Terms of issue of preference shares.

75. A by-law for the creation and issue of preference shares or for the conversion of debentures or debenture stock into preference shares may provide that the holders of such shares shall have such preference as regards dividends and repayment on dissolution or winding-up as may be therein set out; may have the right to select a certain stated proportion of the board of directors, or such other control over the affairs of the company as may be considered expedient; or may limit the right of the holders thereof to specific dividends or control of the affairs of the company or otherwise, not contrary to law or to this Act, and may provide for the purchase or redemption of such shares by the company as therein set out; provided, however, that any term or provision of such by-law, whereby the rights

of holders of such shares are limited or restricted, shall be fully set out in the certificates of such shares, and in the event of such limitations and restrictions not being so set out they shall not be deemed to qualify the rights of holders thereof. *New.*

76. Unless preference shares, debenture stock, debentures or bonds are issued subject to redemption or conversion, the same shall not be subject to redemption or conversion without the consent of the holders thereof. *New.* Consent of holders to redemption.

10 77. No such by-law which has the effect of increasing or decreasing the capital of the company or otherwise varying any term or provision of the special Act or Letters Patent of the company shall be valid or acted upon until confirmed by Supplementary Letters Patent. *New.* Supplementary letters patent in certain cases.

15 78. The directors may charge, hypothecate, mortgage, or pledge any or all of the real or personal property, rights and powers, undertaking, franchises, including book debts and unpaid calls of the corporation to secure any bonds, debentures or other securities or any liability of the corporation and a duplicate original of such charge, mortgage or other instrument of hypothecation or pledge made to secure bonds, debentures or other securities, shall be forthwith filed in the office of the Provincial Secretary as well as registered under the provisions of any other Act in that behalf. *New.* Mortgage secure deb nres, etc.

PART VI.

DIRECTORS AND THEIR POWERS, ETC.

79. The persons named as provisional directors in the Special Act or in the Letters Patent shall be the directors of the company, until replaced by the same number of others duly elected in their stead, and shall be eligible for election. R.S.O. cap. 191, s. 41, *amended.* Provisional directors

80. The affairs of the company shall be managed by a board of not less than three directors, who shall be elected by the shareholders in general meeting of the company. R.S.O. cap. 191, s. 40, *amended.* Board of directors.

81.—(1) Except as in this section provided no business of a company shall be transacted by its directors unless at a meeting of directors at which a quorum of the board shall be present. Such quorum shall consist of three directors or a majority of the directors of the company, if such majority numbers more than three. Business must be transacted by quorum of board.

(2) Whenever it shall happen that from any cause there is not a quorum of directors in office the requisition mentioned in section 37 of this Act may be served on such direc-

tors of the company as are still in office, and such directors, though less in number than three, or a majority of the board, may nevertheless call a meeting under section 38 for the election of directors to fill vacancies in the board, and in default of their doing so the requisitionists or other 5 shareholders may call such meeting as in section 38 provided.

(3) This section shall not apply to a sole director remaining in office. If there be no directors remaining in office a meeting to elect directors may be called without service 10 of any requisition.

(4) So long as a quorum of directors remains in office casual vacancies in the board may be filled by such directors as remain in office. *New.*

Executive
committee.

82. The shareholders of a company, having more than 20 six directors, may, at a general meeting called for that purpose, by resolution of two-thirds of the shareholders present in person or by proxy, authorize the directors to delegate any of their powers to an executive committee, consisting of not less than three, to be elected by the directors 25 from their number. Any committee so formed shall, in the exercise of the powers so delegated, conform to any regulations that may be imposed on them by such by-law or by the directors. 3 Edw. VII. cap. 7, s. 35.

Qualifications
of directors.

83. No person shall hold office as a director unless he is 30 a shareholder absolutely in his own right, and not in arrear in respect of any call thereon, and where any person, who is a director, ceases to be a *bona fide* holder of shares, he shall thereupon cease to be a director. R.S.O. cap. 191, s. 42. 35

Yearly
elections.

84.—(1) The election of directors shall take place at the annual meeting, all the members of the board retiring, and (if otherwise qualified) being eligible for re-election.

Ballot.

(2) Election of directors shall be by ballot, if demanded.

President and
officers.

(3) The directors shall, from time to time, elect from 40 among themselves a president of the company, and shall also appoint, and may remove at pleasure, all other officers thereof. R.S.O. cap. 191, s. 43, *amended.*

Failure to elect
directors how
remedied.

85. If at any time an election of directors is not made, or does not take effect at the proper time, the company 45 shall not be held to be thereby dissolved; but such election may take place at any general meeting of the company duly called for that purpose; and the directors shall continue in office until their successors are duly elected. R.S.O. cap. 191, s. 44. 50

86.—(1) A company may, by by-law, vary the number of its directors, but so that the number shall be not less than three, or may change the company's head office in Ontario. Change by by-law of number of directors or of head office in Ontario.

5 (2) No by-law for either of the said purposes shall take effect until confirmed by a vote of not less than two-thirds in value of the shareholders present in person or by proxy at a meeting of the company duly called for considering the same, or until a copy of the by-law, certified under the seal of the company, has been published once in the *Ontario Gazette*, and in case of the removal of the head office, twice in a newspaper published in each of the places where the head office was fixed and to where it is to be removed, or as near thereto as may be. R.S.O. cap. 191, s. 45, amended. Notice.

15 87. The directors may, from time to time, make by-laws not contrary to law, or to the Letters Patent of the company, or to this Act, to regulate:— By-laws.

- 20 (a) The allotment of shares; the making of calls thereon; the payment thereof; the issue and registration of certificates of shares; the forfeiture of shares for non-payment; the disposal of forfeited stock and of the proceeds thereof; the transfer of shares; Share.
- 25 (b) The declaration and payment of dividends; Dividends.
- (c) The term of service, manner of selection, and the qualification of the directors; Directors' services, etc
- 30 (d) The time at which and place where the meetings of the company shall be held; the calling of meetings of the company; the requirements as to proxies; and the procedure in all things at such meetings; Meetings.
- (e) The imposition and recovery of all penalties, and forfeitures admitting of regulation by by-law, and Fines.
- 35 (f) The conduct in all other particulars of the affairs of the company; Conduct of affairs generally.

And may from time to time repeal, amend or re-enact the same; but every such by-law, and every repeal, amendment or re-enactment thereof, unless in the meantime confirmed at a general meeting of the company duly called for that purpose, shall only have force until the next annual meeting of the company; and in default of confirmation thereof shall, at and from that time only, cease to have force; and in that case no new by-law to the same or the like effect or re-enactment thereof, shall have any force until confirmed at a general meeting of the company; provided, how- Confirmation of by-laws.

By-laws may
be varied.

ever, that the company shall have power either at a general meeting called as aforesaid, or at the annual meeting of the company, to repeal, amend, vary or otherwise deal with any by-laws which have been passed by the directors, but no act done or right acquired under any by-law shall be pre- 5 judicially affected by any such repeal, amendment, variation or other dealing. R.S.O. cap. 191, s. 47.

Payments to
President or
directors.

88. No payment for salary, bonus or otherwise, shall be made to the President or any Director unless such payment be authorized by by-law which has been confirmed by a vote 10 of two-thirds in value of the shareholders present in person or by proxy at a general meeting duly called for considering the same. R.S.O. Cap. 191, 48, *amended*.

Directors not to
vote on con-
tracts in which
they have a
personal
interest, etc.

89. No director of any company shall at any directors' meeting vote in respect of any contract or arrangement 15 made or proposed to be entered into with the company in which he is interested either as vendor, purchaser or otherwise, and any director who may be in any way interested in any contract or arrangement proposed to be made with the company shall disclose the nature of his interest at the 20 meeting of the directors at which such contract or arrangement is determined on, if his interest then exists, or in any other case at the first meeting of the directors after the acquisition of his interest, and in case he discloses the nature of his interest, and refrains from voting, he shall not 25 be accountable to the company by reason of the fiduciary relationship existing for any profit realized by such contract or arrangement; provided, however, that no director shall be deemed to be in any way interested in any contract or arrangement, nor shall he be disqualified from 30 voting or be held liable to account to the company by reason of his holding shares or being a director in any other company with which a contract or arrangement is made or contemplated; provided, also, that this section shall not apply to any contract by or on behalf of a company to give the 35 directors or any of them security by way of indemnity. 2 Edward VII., cap. 24, s. 1.

Proviso.

Not to pur-
chase shares of
in other cor-
porations.

90. The company shall not, unless authorized by the special Act, Letters Patent or Supplementary Letters Patent, use any of its funds in the purchase of shares of any 40 other corporation until the directors have been expressly authorized by a by-law passed by them for the purpose and confirmed by a vote of not less than two-thirds in value of those shareholders present in person or by proxy at a general meeting of the company duly called for considering 45 the same. R.S.O. cap. 191, s. 82, as amended by 1 Edw. VII. cap. 18, s. 2.

Liability of
directors de-
claring a

91. The directors of the company shall not declare or pay any dividend when the company is insolvent, or any

dividend the payment of which renders the company insolvent, or diminishes the capital thereof; but if any director present when such dividend is declared, forthwith, or if any director then absent, within twenty-four hours after
 5 he has become aware thereof, and able so to do, enters his written protest against the same, and within eight days thereafter causes such protest to be notified, by registered letter, to the Provincial Secretary, such director may thereby, and not otherwise, exonerate himself from liability.
 10 R.S.O. cap. 191, s. 83.

dividend when company is insolvent, etc.

How a director may void such liability.

92. For the amount of any dividend which the directors may lawfully declare payable in money, they may declare a stock dividend and issue therefor shares of the company as fully paid or partly paid, as the case may be, or may
 15 credit the amount of such dividend on the shares of the company already issued but not fully paid and the liability of the holders of all shares mentioned in this section shall be reduced by the amount of such dividend. *New.*

Stock dividends.

93. No loan shall be made by the company to any shareholder, and if such loan is made all directors and other
 20 officers of the company making the same and in any wise assenting thereto, shall be jointly and severally liable to the company for the amount thereof, and also to third parties to the extent of such loan with legal interest, for all debts of the company contracted from the time of the making of the loan to that of the repayment thereof. R.S.O.
 25 cap. 191, s. 84.

No loan by company to Shareholders.

94. The directors of the company shall be jointly and severally liable to the labourers, servants, and apprentices thereof for all debts not exceeding one year's wages due
 30 for services performed for the company while they are such directors respectively; but no director shall be liable to an action therefor, unless the company has been sued therefor within one year after the debt became due, nor yet unless such director is sued therefor within one
 35 year from the time when he ceased to be such director, nor yet before an execution against the company has been returned unsatisfied in whole or in part; and the amount due on such execution shall be the amount recoverable with costs against the directors. R.S.O. cap. 191, s. 85.

Liability of directors for wages.

PART VII.

PROSPECTUS AND DIRECTORS' LIABILITY.

40 95.—(1) In this Act the word "prospectus" shall mean any prospectus, notice, circular, advertisement or other invitation offering for subscription or purchase any shares,
 "Prospectus," meaning of.

debentures or other securities of a company, or published or issued for the purpose of being used to promote or aid in the subscription or purchase of such shares, debentures or securities, and the word "company" shall mean any company incorporated or proposed to be incorporated. *Imp. Act, 1900, 30.* 5

Application of
this part.

(2) This part of this Act shall apply to every company whether formed before or after the commencement of this Act which offers for subscription or sale shares, debentures or other securities and to every company whether incorporated under the laws of the Province of Ontario or otherwise, the shares, debentures or other securities of which are dealt in within the Province of Ontario.

Commissions.

96.—(1) Upon any offer of shares to the public for subscription, it shall be lawful for a company to pay a commission to any person in consideration of his subscribing or agreeing to subscribe, whether absolutely or conditionally, for any shares in the company, or procuring or agreeing to procure subscriptions, whether absolute or conditional, for any shares in the company, if the payment of the commission and the amount or rate per cent. of the commission paid or agreed to be paid are respectively authorized by the letters patent or supplementary letters patent and disclosed in the prospectus, and the commission paid or agreed to be paid does not exceed the amount or rate so authorized. 15 20 25

Capital not to
be applied in
paying com-
missions except
as authorized.

(2) Save as aforesaid, no company shall apply any of its shares or capital money either directly or indirectly in payment of any commission, discount or allowance, to any person in consideration of his subscribing or agreeing to subscribe, whether absolutely or conditionally, for any shares of the company or procuring or agreeing to procure subscriptions whether absolute or conditional, for any shares in the company, whether the shares or money be so applied by being added to the purchase money of any property acquired by the company or to the contract price of any work to be executed for the company, or the money be paid out of the nominal purchase money or contract price, or otherwise. 30 35

Brokerage may
be paid.

(3) Nothing in this section shall affect the power of any company to pay such brokerage as it has heretofore been lawful for a company to pay. *Imp. 1900, s. 8.* 40

What com-
panies must
file prospec-
tuses.

97.—(1) Every company heretofore or hereafter incorporated under any general or special Act, the number of shareholders of which is increased to a number greater by ten than the number of applicants for incorporation or which has its debentures or other securities held by more than ten persons, and every company incorporated otherwise than as above set out which has more than ten share- 45

holders or holders of debentures or other securities within Ontario, shall file a prospectus in the manner hereafter set out.

- (2) All purchases, subscriptions or other acquisitions of 5 shares, debentures or other securities of any company required in the manner above provided to file a prospectus, shall be deemed as against the company or the signatories to the prospectus to be induced by such prospectus, and any term, proviso or condition of such prospectus to the 10 contrary shall be void.

(3) No subscription for stock, debentures or other securities, induced or obtained by verbal representations, shall be binding upon the subscriber, unless prior to his so subscribing he shall have received a copy of the prospectus.

- 15 98.—(1) Every prospectus issued by or on behalf of a company or in relation to any intended company shall be dated, and that date shall, unless the contrary be proved, be taken as the date of publication of the prospectus. Date of prospectus.

- (2) A copy of every such prospectus shall be signed by 20 every person who is named therein as a director or proposed director or provisional director of the company, or by his agent authorized in writing, and shall be filed with the Provincial Secretary, on or before the date of its publication. Prospectus to be signed and filed.

- 25 (3) The Provincial Secretary shall not receive or file any prospectus unless it is so dated and signed. No prospectus shall be issued until so filed, and every prospectus shall state on the face of it that it has been so filed. *Imp. Act, 1900, 9.* Not to be issued until filed.

- 30 99.—(1) Every prospectus issued by or on behalf of a company or in relation to any intended company or by or on behalf of any person who is or has been engaged or interested in the formation or promotion of the company, shall state:— What to be disclosed in prospectus.

- 35 (a) The names, descriptions and addresses of the original incorporators, and the number of shares subscribed for by them respectively; Particulars as to incorporators.
- (b) The number of shares, if any, fixed as the qualification of a director, and any provision in the 40 by-laws of the company as to the remuneration of the directors; Qualification and remuneration of directors.
- (c) The names, descriptions and addresses of the directors or proposed directors; Directors.
- 45 (d) The minimum subscription on which the directors may proceed to allotment, and the amount payable on application and allotment on each share; and, in the case of a second or subsequent offer Subscription upon which allotment may proceed.

of shares, the amount offered for subscription on each previous allotment, and the amount actually allotted;

Time of calls.

- (e) The time or times at which under the by-laws of the company a further call or calls may be made upon shares subscribed for; 5

Shares and bonds allotted for other than cash consideration.

- (f) The number and amount of shares issued, or agreed to be issued, as fully or partly paid up otherwise than in cash, and in the latter case the extent to which they are so paid up, and the number and amount of bonds, debentures or other securities issued or to be issued and allotted to any person; 10

Vendors of property to company.

- (g) The names and addresses of the vendors of any property purchased or acquired by the company, or proposed so to be purchased or acquired, which is to be paid for wholly or partly out of the proceeds of the issue offered for subscription by the prospectus, or the purchase or acquisition of which has not been completed at the date of publication of the prospectus and the amount payable in cash, shares, bonds, debentures or other securities to the vendor, and where there is more than one separate vendor, or the company is a sub-purchaser, the amount so payable to each vendor; 15 20 25

Consideration for purchase

- (h) The amount (if any) paid or payable as purchase money in cash, shares or debentures of any such property as aforesaid, specifying the amount payable for good-will; 30

Commissions.

- (i) The amount (if any) paid or payable as commission for subscribing, or agreeing to subscribe, or procuring or agreeing to procure subscriptions for any shares in the company, or for underwriting or procuring underwriting of any securities issued or to be issued by the company or the rate of any such commission; 35

Preliminary expenses.

- (j) The amount or estimated amount of preliminary expenses;

Promoter's remuneration.

- (k) The amount paid or intended to be paid in cash shares or debentures to any promoter and the consideration for any such payment;

Particulars as to material contracts.

- (l) The dates of and parties to every material contract, and a reasonable time and place at which any material contract or a copy thereof may be inspected; provided that this requirement shall not apply to a contract entered into in the 45

ordinary course of the business carried on or intended to be carried on by the company, or to any contract entered into more than three years before the date of publication of the prospectus;

5

(m) The names and addresses of the auditors (if any) Names, etc., of auditors. of the company;

10

(n) Full particulars of the nature and extent of the interest (if any) of every director in the promotion of or in the property proposed to be acquired by the company, with a statement of all sums paid or agreed to be paid to him in cash or shares by any person either to qualify him as a director or otherwise for services rendered by him in connection with the formation of the company. Interest of directors in property taken by company.

15

(2) For the purposes of this section the word "vendor" shall extend to and include a vendor who has entered into any contract, absolute or conditional, for the sale or purchase or for any option of purchase, of any property to be acquired by the company in any case where— "Vendor," what to include.

20

(a) The purchase money is not fully paid at the date of publication of the prospectus; or

25

(b) The purchase money is to be paid or satisfied wholly or in part out of the proceeds of the issue offered for subscription by the prospectus; or

(c) The contract depends for its validity or fulfilment on the result of such issue.

30

(3) Where any of the property to be acquired by the company is to be taken on lease, this section shall apply as if the expression "vendor" included the lessor, and the expression "purchase money" included the consideration for the lease and the rent, and the expression "sub-purchaser" included a sub-lessee. When "vendor" includes "lessor."

35

(4) This section shall not apply to a circular or notice inviting existing shareholders or debenture holders of a company to subscribe for further shares or debentures; but subject as aforesaid, this section shall apply to any prospectus whether issued on or with reference to the formation of a company or subsequently; provided that— Application of section.

40

(a) The requirements as to the original incorporators and the qualification, remuneration, and interest of directors, the names, descriptions and addresses of directors or proposed directors, and the amount or estimated amount of preliminary expenses, shall not apply in the case of a pro-

45

spectus published more than one year after the date of the first general meeting, and

- (b) In the case of a prospectus published more than one year after the date of such meeting, the obligation to disclose all material contracts shall be limited to a period of two years immediately preceding the publication of the prospectus. 5

Waiver of compliance with section to be void.

- (5) Any condition requiring or binding any applicant for shares or debentures to waive compliance with any requirement of this section, or purporting to affect him with notice of any contract, document or matter not specifically referred to in the prospectus shall be void. 10

When prospectus advertised in newspaper.

- (6) Where any such prospectus as is mentioned in this section is published as a newspaper advertisement, it shall not be necessary to specify the names of original incorporators and the number of shares subscribed for by them. *Imp. Act, 1900, 10.*

Penalty.

- 100.**—(1) Every provisional director, director or other person responsible for the issue and publication of such prospectus shall for every violation of the provisions of the next preceding three sections be liable on summary conviction to a penalty not exceeding \$200 and costs, provided that no provisional director, director or other person shall incur any liability by reason of non-compliance with the said sections. 25

- (a) As regards any matter not disclosed, if he was not cognizant thereof; or
(b) if the non-compliance arose from an honest mistake of fact on his part,

And provided that in the event of non-compliance with the requirements contained in paragraph (n) of subsection (1) of section 5, no director or other person shall incur any liability in respect of such non-compliance unless it is proved that he had knowledge of the matters not disclosed. 35

Liability under general law not affected.

- (2) Nothing in this section or the said preceding three sections shall limit or diminish any liability which any person may incur under the general law apart from this Act. *Imp. Act, 1900, 10 (7).*

Capital to be correctly stated in advertisements, etc.

- 101.**—(1) Where any advertisement, letter head, account or document issued or published by any corporation or any officer, agent or employee, of any such corporation, purports to state the capital of the corporation, then the capital actually and in good faith subscribed and no more shall be so stated. 45

Penalty.

- (2) Any such corporation, officer, agent or employee who causes to be inserted an advertisement or who publishes,

issues or causes to be published or issued any advertisement, letter-head, account or document which states, as the capital of such corporation any larger sum than the amount of such subscribed capital so actually and in good faith subscribed as aforesaid, or which contains any false statement as to the incorporation, control, supervision, management or financial standing of such corporation shall be liable, upon summary conviction, to a penalty not exceeding \$200 and costs and not less than \$50 and costs.

10 (3) Any one may be prosecutor or complainant under this Act, and one-half of any fine imposed by virtue of this Act, shall, when received, belong to His Majesty for the use of the Province and the other half shall belong to the prosecutor or complainant. R.S.O. cap. 217. Who may prosecute,—application of penalty.

15 102.—(1) Where after the passing of this Act a prospectus or notice invites persons to subscribe for shares in, or debentures or debenture stock or other security of, a company, every person who is a director of the company at the time of the issue of the prospectus or notice, and every person who having authorized such naming of him is named in the prospectus or notice as a director of the company or as having agreed to become a director of the company either immediately or after an interval of time, and every promoter of the company and every person who has authorized the issue of the prospectus or notice, shall be liable to pay compensation to all persons who shall subscribe for any shares, debentures or debenture stock or other security on the faith of such prospectus or notice for the loss or damage they may have sustained by reason of any untrue statement in the prospectus or notice, or in any report or memorandum appearing on the face thereof, or by reference incorporated therein or issued therewith, unless it is proved that having consented to become a director of the company he withdrew his consent before the issue of the prospectus or notice, and that the prospectus or notice was issued without his authority or consent, or that the prospectus or notice was issued without his knowledge or consent, and that on becoming aware of its issue he forthwith gave reasonable public notice that it was so issued without his knowledge or consent, or that after the issue of such prospectus or notice and before allotment thereunder, he, on becoming aware of any untrue statement therein, withdrew his consent thereto, and caused reasonable public notice of such withdrawal and of the reason therefor to be given. Imp. Act, 1896, sec. 3 (1). Liability for statements in prospectus.

(2) A promoter in this section means a promoter who was a party to the preparation of the prospectus or notice, or of the portion thereof containing such untrue statement, but shall not include any person by reason of his acting in a

professional capacity for persons engaged in procuring the formation of the company. Imp. Act, 1890, sec. (3), (2).

Statements in prospectus for raising further capital.

103. Where any company, which has issued shares or debentures or other securities, shall be desirous of obtaining further capital by subscriptions for shares or debentures or other securities, and for that purpose shall issue a prospectus or notice, no director of such company shall be liable in respect of any statement therein, unless he shall have authorized the issue of such prospectus or notice, or have adopted or ratified the same. Imp. Act, 1890, sec. 3 (3).

Indemnity where name of person has been improperly inserted.

104. Where any such prospectus or notice as aforesaid contains the name of a person as a director of a company, or as having agreed to become a director thereof, and such person has not consented to become a director, or has withdrawn his consent before the issue of such prospectus or notice, and has not authorized or consented to the issue thereof, the directors of the company (except any without whose knowledge or consent the prospectus or notice was issued) and any other person who authorized the issue of such prospectus or notice shall be liable to indemnify the person named as director of the company, or as having agreed to become a director thereof as aforesaid, against all damages, costs, charges and expenses to which he may be made liable by reason of his name having been inserted in the prospectus or notice, or in defending himself against any action or legal proceedings brought against him in respect thereof. 54 V. c. 34, s. 5. 60 V. c. 3, s. 3; c. 28, s. 95 (3). Imp. Act, 1890, 4.

Contribution from co-director.

105. Every person who by reason of his being a director, or named as a director, or as having agreed to become a director, or of his having authorized the issue of the prospectus or notice, has become liable to make any payment under the provisions of this Act, shall be entitled to recover contribution, as in cases of contract from any other person who, if sued separately, would have been liable to make the same payment. 54 V. c. 34, s. 6; 60 V. c. 3, s. 3; c. 28, s. 95 (4). Imp. Act, 1890, 5.

PART VIII.

COMPANIES OFFERING SHARES FOR PUBLIC SUBSCRIPTION. 40

Restrictions on allotment. Imp. 1904, s. 4.

106.—(1) No allotment shall be made of any share capital by a company offering shares for public subscription, unless the following conditions have been complied with, namely:

(a) The amount (if any) named in the prospectus as the minimum subscription upon which the directors may proceed to allotment; or,

5 (b) If no amount is so fixed and named, then the whole amount of the share capital so offered for subscription

has been subscribed, and the sum payable on application for the amount so fixed and named, or for the whole amount offered for subscription has been paid to and received by
10 the company.

(2) The amount so fixed and named and the whole amount aforesaid shall be reckoned exclusively of any amount payable otherwise than in cash, and is in this Act referred to as the minimum subscription.

15 (3) The amount payable on application on each share shall not be less than five per cent. of the nominal amount of the share.

(4) If the conditions aforesaid have not been complied with on the expiration of ninety days after the first issue of
20 the prospectus, all money received from applicants for shares shall be forthwith repaid to the applicants without interest, and if any such money is not so repaid within one hundred days after the issue of the prospectus, the directors of the company shall be jointly and severally liable
25 to repay that money with interest at the rate of five per centum per annum from the expiration of the ninety days; provided that a director shall not be liable if he proves that the loss of the money was not due to any misconduct or negligence on his part; Provided, however,
30 that the Provincial Secretary may from time to time extend the times herein limited.

(5) Any condition requiring or binding any applicant for shares to waive compliance with any requirement of this section shall be void.

35 (6) This section, except subsection (3) thereof, shall not apply to any allotment of shares subsequent to the first allotment of shares offered to the public for subscription.
Imp. Act, 1900, 4.

107.—(1) An allotment made by a company to an applicant in contravention of the foregoing provisions of this
40 part of this Act shall be voidable at the instance of the applicant within one month after the holding of the statutory meeting of the company, and not later, and shall be so voidable notwithstanding that the company is in course
45 of being wound up.

Effect of irregular allotment.
Imp. 1904, s. 6.

(2) If any director of a company knowingly contravenes or permits or authorizes the contravention of any of the foregoing provisions of this part of this Act with respect to allotment he shall be liable to compensate the company and the allottee respectively for any loss, damages or costs 5 which the company or the allottee may have sustained or incurred thereby; provided that proceedings to recover such loss, damage or costs shall not be commenced after the expiration of two years from the date of the allotment. *Imp. Act, 1900, 5.* 10

Restrictions on
commence-
ment of busi-
ness. *Imp.*
1900, s. 6.

108.—(1) A company shall not commence any business or exercise any borrowing powers unless:

- (a) Shares held, subject to the payment of the whole amount thereof in cash, have been allotted to an amount not less in the whole than the minimum 15 subscription; and
- (b) Every director of the company has paid to the company on each of the shares taken or contracted to be taken by him, and for which he is liable to pay in cash, a proportion equal to the propor- 20 tion payable on application and allotment on the shares offered for public subscription; and
- (c) There has been filed with the Provincial Secretary a statutory declaration by the secretary or one of the directors, in the prescribed form, that the 25 aforesaid conditions have been complied with.

(2) The Provincial Secretary may, on the filing of this statutory declaration, certify that the company is entitled to commence business, and that certificate shall be conclusive evidence that the company is so entitled: Provided, 30 however, that upon it being shewn that such certificate was made upon any false statement or upon the withholding of any material statement, the Provincial Secretary may cancel and annul such certificate.

(3) Any contract made by a company before the date at 35 which it is entitled to commence business shall be provisional only, and shall not be binding on the company until that date, and on that date it shall become binding.

(4) Nothing in this section shall prevent the simultaneous offer for subscription of any shares and debentures or 40 the receipt of any application.

(5) If any company commences business or exercises borrowing powers in contravention of this section every person who is responsible for the contravention shall, without prejudice to any other liability, be liable on summary convic- 45 tion to a fine not exceeding fifty dollars for every day during which the contravention continues.

109. All sums received by the company or by any promoter, director, officer or agent thereof shall be held in trust by the company or such promoter, director, officer or agent until the same may be deposited in a chartered bank to the credit of the company and shall there remain in trust until the issue of the aforesaid certificate by the Provincial Secretary. *New.*

Monies to be held in trust.

110.—(1) Whenever a company makes any allotment of its shares the company shall, within one month thereafter, file with the Provincial Secretary:

Return of allotments.

(a) A return of the allotments, stating the number and nominal amount of the shares comprised in the allotment, the names, addresses and descriptions of the allottees, and the amount (if any) paid or due and payable on each share; and

(b) In the case of shares allotted in whole or in part for a consideration other than cash, a contract in writing constituting the title of the allottee to such allotment, together with any contract of sale, or for services or other consideration in respect of which such allotment was made and a return stating the number and nominal amount of shares so allotted, the extent to which they are to be treated as paid up, and the consideration for which they have been allotted.

(2) If default is made in complying with the requirements of this section every director, manager, secretary or other officer of the company who is, knowingly, a party to the default, shall be liable upon summary conviction to a fine not exceeding fifty dollars for every day during which the default continues. *Imp. Act, 1900, 7.*

111.—(1) Every company shall, within a period of not less than one month nor more than three months from the date at which the company is entitled to commence business, hold a general meeting of the shareholders of the company, which shall be called the statutory meeting.

Statutory meetings.

(2) The directors shall, at least ten days before the day on which the meeting is held, forward to every shareholder of the company a report certified by not less than two directors of the company, stating:

(a) The total number of shares allotted, distinguishing shares allotted as fully or partly paid up otherwise than in cash, and stating in the case of shares partly paid up the extent to which they are so paid up, and in either case the consideration for which they have been allotted;

- (b) The total amount of cash received by the company in respect of such shares, distinguished as aforesaid;
 - (c) An abstract of the receipts and payments of the company on capital account to the date of the report, and an account or estimate of the preliminary expenses of the company; 5
 - (d) The names, addresses and descriptions of the directors, auditors (if any), manager (if any), and secretary of the company; and 10
 - (e) The particulars of any contract, the modification of which is to be submitted to the meeting for its approval, together with the particulars of the modification or proposed modification.
- (3) The report shall, so far as it relates to the shares allotted by the company, and to the cash received in respect of such shares, and to the receipts and payments of the company on capital account, be certified as correct by the auditors, if any, of the company. 15
- (4) The directors shall cause a copy of the report, certified as by this section required, to be filed with the Provincial Secretary forthwith after the sending thereof to the members of the company. 20
- (5) The directors shall cause a list showing the names, descriptions and addresses of the shareholders of the company, and the number of shares held by them, respectively, to be produced at the commencement of the meeting, and to remain open and accessible to any shareholder of the company during the continuance of the meeting. 25
- (6) The shareholders of the company present at the meeting shall be at liberty to discuss any matter relating to the formation of the company, or arising out of the report, whether previous notice has been given or not, but no resolution of which notice has not been duly given may be passed. 30 35
- (7) The meeting may adjourn from time to time, and at any such adjourned meeting any resolution of which notice has been duly given, either before or subsequently to the former meeting, may be passed, and the adjourned meeting shall have the same powers as an original meeting. 40
- (8) If default is made in filing such report as aforesaid or in holding the statutory meeting, then at the expiration of fourteen days after the last day on which the meeting ought to have been held any shareholder may petition the Court for the winding up of the company in the manner hereinafter provided in that behalf, and, upon the hearing of the petition, the Court may either direct that the 45

company be wound up or give directions for the report being filed or a meeting being held, or make such other order as may be just, and may order that the costs of the petition be paid by any persons who, in the opinion of the Court, are responsible for the default. Imp. Act, 1900, 12.

112. This part of this Act shall apply to all companies offering shares for public subscription and shall not apply to a company incorporated before the commencement of this Act. Application of this part.

PART IX.

BOOKS, INSPECTIONS AND AUDITORS.

113. The corporation shall cause the secretary, or some other officer especially charged with that duty, to keep a book or books wherein shall be kept recorded:— Record books to be kept and what to contain.

(a) A copy of the Letters Patent incorporating the corporation and of any Supplementary Letters Patent issued to the corporation and if incorporated by Special Act, a copy of such Act;

(b) The names, alphabetically arranged, of all persons who are or have been shareholders or members of the corporations;

(c) The post office address and calling of every such person while such shareholder or member;

(d) The names, post office addresses and callings of all persons who are or have been directors of the corporation, with the several dates at which each person became or ceased to be such director.

And in cases of companies having share capital—

(e) The number of shares held by each shareholder;

(f) The amounts paid in, and remaining unpaid, respectively, on the shares of each shareholder;

(g) The date and other particulars of all transfers of shares in their order. R.S.O. cap. 191, s. 71.

114. The books referred to in the preceding section as well as those referred to in section 120 shall be kept at the head office of the company within the province, whether the company is permitted to hold its meetings out of Ontario or not. Any director, officer or employee of a company who shall remove or assist in removing such books from Ontario or who shall act contrary to the provisions Books to be kept at head office.

PROVISO.

of this section shall be liable on summary conviction to a penalty of \$200; Provided, however, that upon necessity therefor being shewn and adequate assurance being given that such books may be inspected within Ontario by any person entitled thereto after application for such inspection to the Provincial Secretary, the Lieutenant-Governor in Council may relieve any company permitted to hold its meetings out of Ontario from the provisions of this section upon such terms as may be fit. *New.*

Penalty for false entries.

115. No director, officer or servant of the corporation shall knowingly make or assist to make any untrue entry in any book or books of the company, or shall refuse or neglect to make any proper entry therein; and any person violating wilfully the provisions of this section shall, besides any criminal liability which he may thereby incur, be liable in damages for all loss or injury which any person interested may have sustained thereby. R.S.O. 1897, cap. 191, s. 72.

Powers of Judge as to entries in, omissions from and rectification of books.

116.—(1) If the name of any person is without sufficient cause, entered in or omitted from such book or books of the corporation, or if default is made or unnecessary delay takes place in entering in said books the fact of any person having ceased to be a shareholder or member of the corporation, the person or shareholder or member aggrieved, or any shareholder or member of the corporation, or the corporation itself may apply to a Judge of the High Court of Justice for an order that the book or books be rectified, and the Judge may either refuse such application or he may make an order for the rectification of the said book or books, and may direct the corporation to pay the costs of such motion or application and any damages the party aggrieved may have sustained. The Judge may in any proceeding under this section, decide on any question relating to the title of any person who is a party to such proceeding to have his name entered in or omitted from the said books of the corporation whether such question arises between two or more shareholders, or alleged shareholders or members, or between any shareholders or alleged shareholders or members and the corporation, and the Judge may in any such proceeding decide any question which it may be necessary or expedient to decide for the rectification of the said books.

Decision as to title.

(2) The Judge may direct an issue to be tried in which any question of law may be raised.

Appeal.

(3) An appeal shall lie from the decision of such Judge as if the same had been given in an action.

(4) This section shall not deprive any Court of any jurisdiction it may have. R.S.O. cap. 191, s. 73.

(5) The costs of any proceeding under this section shall be in the discretion of the Judge.

117. The books referred to in section 113 shall during reasonable business hours of every day, except Sundays and 5 holidays, be kept open for the inspection of shareholders, members and creditors of the corporation and their personal representatives or agents, at the head office or chief place of carrying on its undertaking, and every such shareholder, member, creditor, agent or representative, may 10 make extracts therefrom. R.S.O. cap. 191, s. 74.

Books to be open for inspection.

118. Any director or officer who refuses to permit any person entitled thereto to inspect such book or books, or make extracts therefrom, shall be liable upon summary conviction to a penalty of \$100. R.S.O. cap. 191, s. 75, 15 *amended*.

Liability for refusal to allow inspection of books.

119. Such books shall be *prima facie* evidence of all facts purporting to be thereby stated, in any action or proceeding against the corporation or against any shareholder or member. R.S.O. cap. 191, s. 76.

Books to be *prima facie* evidence.

20 120. The directors shall cause proper books of account to be kept containing full and true statements:—

Books of account to be kept.

(a) Of the financial transactions of the corporation;

(b) Of the assets of the corporation;

25 (c) Of the sums of money received and expended by the corporation, and the matters in respect of which such receipt or expenditure takes place, and

(d) Of the credits and liabilities of the corporation; and also a book or books containing minutes of all the 30 proceedings and votes of the corporation, or of the board of directors, respectively, and the by-laws of the corporation, duly authenticated, and such minutes shall be verified by the signature of the president, or other presiding officer of the corporation. R.S.O. cap. 191, s. 77.

35 121. If any person in any return, report, certificate, balance-sheet or other document required by or for the purposes of this Act, wilfully makes a statement false in any material particular he shall be liable on summary conviction to imprisonment not exceeding three months, 40 with or without hard labour, and to a fine of \$100 in lieu of or in addition to such imprisonment as aforesaid. R.S.O. cap. 191, s. 97, *amended*.

False returns, etc.

122.—(1) Upon an application by not less than one-fifth in value of the shareholders of a company, or one-

The Court may appoint an inspector.

fifth in number of the members of a corporation without share capital, a Judge of the High Court of Justice may appoint an inspector to investigate the affairs and management of the corporation. Such inspector shall report thereon to the Judge, and the expense of such investigation shall, in the discretion of the Judge, be defrayed by the corporation or by the applicants, or partly by the corporation and partly by the applicants, as he may order, and he may require the applicants to give security to cover the probable cost of the investigation, and he may make rules and prescribe the manner in which and the extent to which the investigation shall be conducted; or the Judge may examine the officers or directors of the company under oath as to matters that shall come in question. 5 10

Examination
by company.

(2) A corporation may by resolution passed at the annual meeting, or at a special general meeting called for the purpose, appoint an inspector to examine into the affairs of the corporation. The inspector so appointed shall have the same powers and perform the same duties as an inspector appointed by a Judge of the High Court of Justice, and he shall make his report in such manner and to such persons as the corporation by said resolution directs. 15 20

Powers and
duties of
inspector.

Production of
books and
documents.

Examination
on oath.

Penalty for
non-production.

(3) It shall be the duty of all officers and agents of the corporation to produce for the examination of any such inspector all books and documents in their custody or power. Any such inspector may examine upon oath the officers and agents of the corporation in relation to its business, and may administer such oath accordingly. If any officer or agent refuses to produce any book or document hereby directed to be produced, or to answer any question relating to the affairs of the corporation, he shall upon summary conviction be liable to a fine not exceeding \$20, in respect of each offence. R.S.O. cap. 191, s. 80, amended. 25 30

Accounts shall
be audited.

123. The accounts of the corporation shall be examined once at least in every year, and the correctness of the balance-sheet shall be ascertained by an auditor or auditors. R.S.O. cap. 191, s. 87, amended. 35

First auditors.

124. The first auditors of the corporation may be appointed by the directors before the first meeting of the shareholders or members, and the auditors so appointed shall hold office until the first general meeting. *New.* Imp. Act 1900, s. 21, ss. 4. 40

Appointment
of auditors.

125. Thereafter the auditors shall be appointed by resolution at a general meeting of the corporation; they shall hold office until the next annual meeting unless previously removed by a resolution of the shareholders or members in general meeting. R.S.O. cap. 191, s. 88, amended. 45

126. The said auditors may be shareholders or mem- Auditors may be shareholders.
 bers of the corporation, but no person shall be eligible as
 an auditor who is interested, otherwise than as a share-
 holder or member, in any transaction of the corporation,
 5 and no director or other officer of the corporation shall be
 eligible during his continuance in office. R.S.O. cap. 191,
 s. 89.

127. If an appointment of auditors is not made at an Provincial Secretary may appoint.
 annual meeting, the Provincial Secretary may, on the ap-
 10 plication of any member or shareholder of the corpora-
 tion, appoint an auditor of the corporation for the current
 year, and fix the remuneration (if any) to be paid to him
 by the corporation for his services. *New.*

128. The directors of a corporation may fill any casual Directors may fill vacancies.
 15 vacancy in the office of auditor, but while any such vacancy
 continues the surviving or continuing auditor or auditors
 (if any) may act, and any auditor shall be eligible for re-
 appointment. *New.* Imp. Act 1900, s. 21, ss. 5.

129. The remuneration of the auditors of a corporation Remuneration of auditors.
 20 shall be fixed by the corporation in general meeting, ex-
 cept that the remuneration of any auditors appointed be-
 fore the first general meeting or to fill any casual vacancy
 may be fixed by the directors. *New.* Imp. Act 1900, s. 22.

130. Every auditor of a corporation shall have the right Rights and duties of auditors.
 25 of access at all times to the books, accounts and vouchers
 of the corporation, and shall be entitled to require from
 the directors and officers of the corporation such informa-
 tion and explanation as may be necessary for the per-
 formance of his duties, and the auditors shall sign a cer-
 30 tificate at the foot of the balance sheet stating whether or
 not their requirements as auditors have been complied
 with and shall make a report to the shareholders or mem-
 bers on the accounts examined by them, and on every
 balance sheet laid before the corporation in general meet-
 35 ing during their tenure of office; and in every such report
 shall state whether, in their opinion, the balance sheet
 referred to in the report is properly drawn up so as to
 exhibit a true and correct view of the state of the corpora-
 tion's affairs as shown by the books of the corporation;
 40 and such report shall be read before the corporation in
 general meeting. *New.* Imp. Act 1900, s. 23.

PART IX.

RETURNS AND FEES.

131.—(1) The corporation shall, on or before the first Annual summary of the affairs of the company.
 45 day of February in every year, make out a summary, veri-
 fied as hereinafter required, containing as of the thirty-

first day of December preceding, correctly stated, the following particulars:—

Contents of
summary.

- (a) The corporate name of the corporation;
- (b) The manner in which the corporation is incorporated, whether by special Act, or by Letters Patent, and the date thereof; 5
- (c) The name, residence and post office address of the president, secretary, and treasurer of the corporation;
- (d) The name, residence and post office address of each of the directors of the corporation; 10
- (e) The date upon which the last annual meeting of the corporation was held;

In case of companies having share capital in addition—

- (f) The place of the head office, giving street and number when possible; 15
- (g) The amount of the capital of the company and the number of shares into which it is divided;
- (h) The number of shares subscribed for and allotted;
- (i) The number of shares (if any) issued fully paid as consideration for any transfer of assets, good will or otherwise; if none is so issued, this fact to be stated; 20
- (j) The amount of calls made on each share;
- (k) The total amount of calls received; 25
- (l) The total amount of shares forfeited;
- (m) The total amount of shares issued as preference shares and the rate of dividend thereon;
- (n) The total amount paid on such shares;
- (o) The total amount of debentures, debenture stock or bonds authorized, and the rate of interest thereon; 30
- (p) The total amount of debenture stock, bonds or debentures issued;
- (q) The total amount realized from debentures, debenture stock, and bonds; 35
- (r) The total number of share warrants issued and the names and addresses of the persons to whom same were issued. 40

If the company be a mining company

(s) The number of shares sold or otherwise disposed of at a discount or premium;

(t) The rate at which such shares were sold or disposed of;

5

(u) Whether a sworn copy of the by-laws, if any, providing for the sale of stock at a discount or otherwise, was sent to the Provincial Secretary;

10

(x) The date, or dates, upon which such by-laws, if any, were passed and sanctioned.

(2) In cases of companies having share capital the summary shall also contain a list of persons who, on the 31st day of December previously, were shareholders of the company; and such list shall state the names alphabetically arranged, and the address and occupation of each such person; the amount of stock held by each; and the amount, if any, unpaid and still due by each such person.

(3) A duplicate of such summary with the affidavit of verification, shall be posted up in a conspicuous position in the head office of the company on or before the 2nd day of February in each year, and shall be available for inspection by any shareholder or creditor of the company; and the company shall keep the same so posted until another summary is posted under the provisions of this Act.

(4) The summary of every corporation shall be verified by the affidavit of the president and secretary, and if there are no such officers, or they, or either of them, are, or is, at the proper time out of this Province or otherwise unable to make the same, by the affidavit of the president or secretary and one of the directors, or two of the directors, as the case may require; and if the president or secretary does not make or join in the affidavit the reason thereof shall be stated in the substituted affidavit. (*As amended by 63 V. c. 23, s. 4.*)

(5) The summary, verified as aforesaid, shall, on or before the 8th day of February next after the time hereinbefore fixed for making the summary, be transmitted to the Provincial Secretary.

(6) If a corporation makes default in complying with the provisions of this section, the corporation shall incur a penalty of \$20 for every day during which the default continues, and every director, manager or secretary of the corporation, who knowingly and wilfully authorizes or permits such default, shall incur the like penalty, but such penalties shall be recoverable only by action at the suit of or brought by a private person suing on his own behalf with the written consent of the Attorney-General of the Province of Ontario.

When section
not to apply.

(7) This section shall not apply to any corporation until the 1st day of February next after the 31st day of December of the year in which the corporation was organized, or has gone into actual operation, whichever shall first happen. R.S.O. cap. 191, s. 79.

5

Fees on letters
patent, etc., to
be fixed by
Order-in-
Council.

132.—(1) The Lieutenant-Governor in Council may from time to time, establish, alter and regulate the tariff of fees to be paid to the Provincial Secretary on applications, returns, filings, and all transactions under this Act; and may prescribe the form of proceedings and record in respect thereof, and all other matters requisite for carrying out the objects of this Act.

(2) Such fees may be made to vary in amount, under any rule or rules—as to nature of the corporation, amount of capital and otherwise—that may be deemed expedient.

Restriction.

(3) No step shall be taken in the Department towards the issue of any letters patent or supplementary letters patent, or the filing of any document under this Act, until all fees therefor and all fees due the Department for any other service have been duly paid. R.S.O. cap. 191, s. 95, 20 amended.

No compliance
with Act to file
returns, etc.,
without pay-
ment of fees.

133. No tender or transmission of any return, by-law or other document shall be deemed to be a due compliance with the provisions of this Act unless and until the prescribed fee for receiving and filing the same has been paid to and has been accepted by the Provincial Secretary.

New.

Evidence of
by-laws.

134. A copy of any by-law of the corporation under its seal and purporting to be signed by any officer of the corporation or a certificate, similarly authenticated, to the effect that a person is a shareholder or member of the corporation that a call or calls or dues, assessments or other payments has or have been made are due and have not been paid shall be received as *prima facie* evidence of the by-law or of the statements contained in such certificate in all Courts in Ontario. R.S.O. cap. 191, s. 66.

Authentication
of summons
and notices.

135. Any writ, notice, order or proceeding requiring authentication by the corporation may be signed by any director, manager or other authorized officer of the corporation, and need not be under the seal of the corporation. R.S.O. cap. 191, s. 67.

Service of
notices.

136. A notice or demand to be served or made by the corporation upon a shareholder or member may be served or made either personally or by post, registered, and addressed to the shareholder or member at his place of abode as it last appeared on the books of the corporation. R.S.O. cap. 191, s. 68.

137. A notice or other document served by post by the corporation on a shareholder or member shall be held to be served at the time when the registered letter containing it would be delivered in the ordinary course of post; and to prove the fact and time of service it shall be sufficient to prove that such letter was properly addressed and registered, and was put into the post office, and the time when it was put in, and the time requisite for its delivery in the ordinary course of post. R.S.O. cap. 191, s. 69.

Time of service.

Proof of service.

138. Any by-law by this Act required to be sanctioned by a two-thirds vote of the shareholders at a general meeting specially called for considering the same may in lieu thereof be validly sanctioned by the consent in writing of all the shareholders. *New.*

15

PART X.

MINING COMPANIES.

139. A mining company incorporated under this Act and made by the Letters Patent subject to the provisions of this part of the Act, may issue its shares at a discount or at any other rate in the manner hereinafter provided. *New.*

No liability.

140. No shareholder of such company holding shares issued as herein provided, shall be personally liable for non-payment of any calls made upon his shares beyond the amount agreed to be paid therefor. R.S.O. cap. 197, s. 5, ss. 5, *amended.*

25

141. No shares shall be issued at a discount unless authorized by a by-law of the company confirmed by a majority of the shareholders thereof, at a meeting duly called for considering the same, fixing and declaring the rate and any other term and conditions of issue. R.S.O. cap. 197, s. 5, ss. 1, *in part, amended.*

Shares issued at discount.

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142. A copy of such by-law shall, within twenty-four hours after the same was confirmed, be transmitted by post, registered and prepaid, to the Provincial Secretary, or be filed in the office of the Provincial Secretary within five days, and such copy shall be verified as a true copy by the joint affidavit of the president and secretary, and if there are no such officers, or they, or either of them, are, or is, at the proper time unable to make the same, by the affidavit of the president or secretary and one of the directors, or two of the directors, as the case may require; and if the president or secretary does not make or join in the affidavit the reason thereof shall be stated in the substituted affidavit. R.S.O. cap. 197, s. 5, ss. 1, *in part.*

By-law must be verified.

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40

"No personal liability" to appear on documents issued by company.

143. Every such mining company shall have written or printed, immediately after or under the name of such company, wherever such name may be used by the company or any director, officer, servant or employee thereof, and shall have engraved upon its seal the words "No PERSONAL LIABILITY"; and upon every share certificate issued by the company, distinctly written or printed in red ink, where such share certificates are issued in respect of shares subject to call, the words "SUBJECT TO CALL"; or if in respect to shares not subject to call, the words "NOT SUBJECT TO CALL," according to the fact. R.S.O. cap. 197, s. 5, ss. 2, 3, amended. 5

Certificates of shares, what to contain.

Sale of shares no non-payment of calls.

144. In the event of any call or calls on shares in a company subject to the provisions of this part of this Act remaining unpaid by the holder thereof for a period of sixty days after notice and demand of payment, such shares may be declared to be in default, and the secretary of the company may advertise such shares for sale at public auction to the highest bidder for cash by giving notice of such sale in a newspaper published at the place where the principal office of the company is situated, or in case no newspaper is published thereat, then in a newspaper published at the nearest place to said office once a week for four successive weeks; and said notice shall contain the numbers of the share certificates in respect of such shares and the number of shares, the amount of the call or calls due and unpaid and the time and place of sale; and in addition to the publication of the notice aforesaid, notice shall be personally served upon such shareholder by registered letter mailed to his last known address; and if the holder of such shares fails to pay the amount due upon such shares with interest upon the same and cost of advertising before the time fixed for such sale, the secretary shall proceed to sell the same, or such portion thereof as shall suffice to pay such calls together with interest and cost of advertising; provided that if the price of the shares so sold exceeds the amount due with interest and costs thereon, the excess thereof shall be paid to the defaulting shareholder. R.S.O. cap. 197, s. 5, ss. 4. 15 20 25 30 35

Penalty.

145. A company which acts in contravention of any provision of this part of the Act, and every director, manager, officer or agent thereof, shall be liable on summary conviction to a fine of \$200 and costs. R.S.O. cap. 197, s. 7, amended. 40

Liability of Directors for wages.

146. Notwithstanding anything contained in this part of this Act, the directors of the company shall be liable as provided by section 94 of this Act. R.S.O. cap. 197, s. 8, amended. 45

PART XI.

TRUST COMPANIES.

147.—(1) No company shall be incorporated, or otherwise authorized, by Letters Patent to execute the office of
 5 executor, administrator, trustee, receiver, assignee, guardian of a minor's estate or committee of a lunatic's estate, and no Letters Patent shall be granted to any company heretofore incorporated conferring any such powers upon such company unless such company complies with the provisions of this part of this Act. R.S.O. cap. 206, s. 4.

Companies to which Act applies.

148. At all times at least three-fourths of the shares of a company incorporated under the provisions of this part of this Act, shall be held by persons who are residents of this Province, or by companies incorporated under the
 15 laws of this Province. If at any time it is shewn to the satisfaction of the Lieutenant-Governor-in-Council that less than three-fourths of the shares of the company are held otherwise than as aforesaid, the Letters Patent incorporating the company may be forfeited under the provisions
 20 of section 22 of this Act. R.S.O., cap. 2 of s. 4, ss. 2, amended.

149. No company shall receive authority by letters patent to become or be appointed guardian of the persons of infants or committee of the persons of lunatics. R.S.O.
 25 cap. 206, s. 5.

Companies not to act as guardians or committees.

150. The Lieutenant-Governor-in-Council may from time to time make regulations regarding notice of application for incorporation of trust companies, the objects of incorporation and evidence that the general fitness of the
 30 applicants for the discharge of the duties appertaining to such trusts as aforesaid is such as to command the confidence of the public, and that the public convenience and advantage will be promoted by granting to the company the powers applied for. *New.*

Regulation recording applications.

35 151. The liability of a trust company to persons interested in an estate held by the company as executor, administrator, trustee, receiver, assignee, guardian or committee as aforesaid, shall be the same as if the estate had been held by any private person in the like capacity, and
 40 its powers shall be the same. R.S.O. cap. 206, s. 9.

Liability of trust companies.

152. The Provincial Secretary may, from time to time, appoint a person to investigate the affairs and management of any trust company; and such person shall report thereon and upon the security afforded to those by or for whom
 45 the engagements of the company are held; and the expense of such investigations shall be defrayed by the com-

Provincial Secretary may investigate.

pany; and such person may examine the officers or directors of the company under oath for the purposes of such investigation. R.S.O. cap. 206, s. 10, *in part, amended.*

Trust companies not to issue debentures.

Rev. Stat. c. 191.

153. No company incorporated under this Act, or chapter 157 of the Revised Statutes of Ontario, 1887, or chapter 206 of the Revised Statutes of Ontario, 1897, or any other general Act with power to execute the office of executor, administrator, trustee, receiver, assignee, guardian of the estate of a minor, committee of the estate of a lunatic, shall issue debentures. R.S.O. Cap. 206, s. 12. 10

PART XII.

COMPANIES OPERATING MUNICIPAL FRANCHISES AND PUBLIC UTILITIES.

Application of this part of Act.

154. This part of the Act shall apply to all applications for incorporation of companies intended to operate or control any public or municipal franchise, undertaking or utility or which may require for its purposes the erection of any permanent structure in or upon any highway, stream or adjoining navigable waters, and to such companies when incorporated. *New.* 20

Material to be produced in application.

155. With the application for incorporation the applicants shall produce to the Provincial Secretary:

- (a) Evidence that the proposed capital is sufficient to carry out the objects for which the company is to be incorporated; that such capital has been subscribed or underwritten and that the applicants are likely to command public trust and confidence in the undertaking; 25
- (b) A detailed description of the plant, works and intended operations of the company, and an estimate of their cost; 30
- (c) A by-law of every municipality in which the operations of the company are to be carried on authorizing the execution thereof in the manner set out in the detailed description above referred to; 35
- (d) If the undertaking is to be carried on in an unorganized district, a report from the Minister of Lands, Forests and Mines approving of the undertaking. 40
- (e) If it is proposed that the company shall acquire any plant, works, land, undertaking, good will, contract or other property or assets, a detailed statement of the nature and value thereof. *New.*

156. The Provincial Secretary may refer the application and all statements, evidence and material filed thereon to engineers, architects, valuers or other experts for consideration, investigation and report regarding the public necessity for the undertaking of the company, the amount of capital required therefor, the value of any plant, works, lands, undertaking, good will, contract or other property or assets to be acquired by the company and any other matter which may appear to be in the public interest regarding such undertaking. *New.*

157. The Lieutenant-Governor may direct the issue of Letters Patent in terms and conditions different from those applied for. *New.*

158. Notice of the application shall be published in such manner and shall be given to such persons or corporations as the Provincial Secretary may determine. *New.* Notice of application.

159. The term of existence of the company may be limited by the Letters Patent. *New.* Existence of company.

160. The Letters Patent may limit (1) the rate of dividend payable on the shares of the capital stock of the company and on debentures or other securities, and (2) the amount which the company may borrow on debentures, mortgages or other securities. *New.* Limitations in charter.

161. Upon any application for Supplementary Letters Patent extending the powers, increasing the capital or otherwise varying any term of the Letters Patent the company shall produce such evidence and statements as are referred to in section 155 hereof and such other evidence and statements as the Provincial Secretary may require, and he may refer the same in the manner and for the purposes set out in section 156. *New.*

162. The Supplementary Letters Patent may fix the conditions upon which any shares, debentures, or other securities of the company, therein provided to be issued, may be allotted, sold or otherwise disposed of, and may vary any term, condition or proviso of the application therefor. *New.*

163. No provision contained herein or in the Letters Patent of the company regarding the issue of debentures or other securities or the making of mortgages to secure the same shall in any way prejudice the right which any municipality may have under the statute in that behalf to take possession of the plant and undertaking of the company. *New.* Rights of municipality preserved.

Company may
make by-law.

164. The company may pass by-laws regarding the control and management of its undertaking; its dealings with the public it is incorporated to serve; the collection of tolls, charges, rates or levies for the public service given by the company; and for the use, protection and care of its property while being used, enjoyed or otherwise subject to public use, and may impose penalties for the infraction thereof; provided, however, that no such by-laws shall have any force or effect or be acted upon until approved by the Lieutenant-Governor-in-Council and published four times in a public newspaper published at the place where the undertaking of the company is carried on, or as near thereto as may be, and in the *Ontario Gazette*. *New.* 5 10

Additional
returns.

165. In addition to the other returns which may be required by this or any other Act, the company shall on or before the 8th day of February in each year make a report to the Provincial Secretary, under oath of the president and secretary which shall specify: 15

What the report
is to contain.

- (a) The cost of the work, plant and undertaking of the company; 20
- (b) The amount of its capital, and the amount paid thereon;
- (c) The amount received during the year from tolls, levies, rates and charges and all other sources, stating each separately; 25
- (d) The amount and rate of dividends paid;
- (e) The amount expended for repairs; and
- (f) A detailed description of any extension or improvement of the works or of any new works proposed to be undertaken in the current year, together with an estimate of the cost thereof. 30

Every company to keep
regular books
of account.

166. The books of account of the company shall be at all times open to the inspection and examination of any shareholder. *New.* 35

Inspection of
books.

167. The Provincial Secretary may appoint a person to inspect and examine such books and every person so appointed may take copies or extracts from the same, and may require and receive from the keeper of such books, and also from the president and each of the directors of the company, and all the other officers and servants thereof, all such information as to such books and the affairs of the company generally, as the person so appointed deems necessary for the full and satisfactory investigation into and report upon the state of the affairs of the company, so as to enable him to ascertain the correctness of statements furnished by the company. *New.* 40 45

168. The Lieutenant-Governor may, by Supplementary Letters Patent, extend the term of existence of any company incorporated for a limited period under this Act, for such further period as by Order made previous to the expiry of such period he may direct, and the provisions of this Act having regard to the expiration of the term of existence of a company shall thereupon apply to such term as so extended. *New.*

Existence of company may be extended by supplementary letters patent.

PART XIII.

EXPROPRIATION.

199. A company incorporated for the purpose of operating any municipal or other public franchise, utility or undertaking and to which this part of this Act is made applicable by the Letters Patent may take, without the consent of the owner thereof, lands and easements therein which may be necessary for the purposes of its undertaking, in like manner as under the provisions of *The Ontario Railway Act* in that behalf lands may be expropriated for the purpose of a railway; Provided, however, that any such right of expropriation may be limited or any section or sections of the said *The Ontario Railway Act* may be excluded. *New.*

Expropriation

170. This part of the Act shall apply to any company heretofore incorporated under any general or special Act for the purposes referred to in section 154. *New.*

PART XIV.

25 WINDING UP COMPANIES.

171. If a contributory dies either before or after he has been placed on the list of contributories hereinafter mentioned, his personal representative, heirs and devisees shall be liable in due course of administration to contribute to the assets of the corporation in discharge of the liability of such deceased contributory, and such personal representatives, heirs, and devisees shall be deemed to be contributories accordingly. R.S.O. cap. 222, s. 3, ss. 3.

Case of death of contributory.

172. The liability of any person to contribute to the assets of a corporation under this Act, in the event of the same being wound up, shall be deemed to create a debt accruing due from such person at the time when his liability commenced, but payable at the time or respective times when calls are made as hereinafter mentioned for enforcing such liability. (Imp. 75), *amended.*

Nature of liability of contributory.

173. A corporation may be wound up voluntarily under this Act:

Voluntary winding up.

1. Where the period, if any, fixed for the duration of the corporation by the Act, charter or instrument of incorporation has expired; or where the event (if any) has occurred, upon the occurrence of which it is provided by the Act or Letters Patent or instrument of incorporation that the corporation is to be dissolved and the corporation in general meeting has passed a resolution requiring the corporation to be wound up; 5 10
2. Where the corporation in general meeting called for that purpose has passed a resolution requiring the corporation to be wound up;
3. Where the corporation (though it may be solvent as respects creditors) has passed a resolution in general meeting to the effect that it has been proved to its satisfaction that the corporation cannot by reason of its liabilities continue its business, and that it is advisable to wind up the same. R.S.O. 1887, c. 183, s. 4, *amended*. 20

Commencement of winding up.

174. A winding up shall be deemed to commence at the time of the passing of the resolution authorizing the winding up. R.S.O. 1887, c. 183, s. 6, *amended*.

Corporation to cease business.

175. Whenever a corporation is wound up voluntarily, the corporation shall, from the date of the commencement of such winding up, cease to carry on its undertaking, except in so far as may be required for the beneficial winding up thereof, and all transfers of shares, except transfers made to or with the sanction of the liquidators, or alteration in the status of the members of the corporation, taking place after the commencement of such winding up, shall be void, but its corporate state and all its corporate powers shall, notwithstanding it is otherwise provided by its constituting instrument or by-laws, continue until the affairs of the corporation are wound up. R.S.O. cap. 222, s. 8, ss. 1, *amended*. 25 30 35

Notice of resolution to be given.

176. Notice of any resolution passed for winding up a corporation voluntarily shall be given by advertisement in the *Ontario Gazette* and filed in the office of the Provincial Secretary. *New*. 40

No suit or action against corporation after winding up.

177. After the commencement of the winding up, no suit, action or other proceeding shall be proceeded with or commenced against the corporation, and no attachment, sequestration, distress or execution shall be put in force against the estate or effects of the corporation. Provided, however, that after a winding up order has been made by the Court as hereinafter provided, such suit, action or other 45

proceeding, attachment, sequestration, distress or execution may be proceeded with by leave of the Court and subject to such terms as the Court may impose. And further provided that this section shall not apply to any proceeding taken under *The Winding-up Act* of the Parliament of the Dominion of Canada or other Act respecting Insolvency or Bankruptcy for the time being in force. *New.*

178. The following consequences shall ensue upon the voluntary winding up of a corporation: Consequences of winding up.

- 10 (1) The property of the corporation shall be applied in satisfaction of all its liabilities *pari passu*, and, subject thereto, shall, unless it be otherwise provided by the by-laws of the corporation, be distributed *pro rata* amongst the members or shareholders according to their rights and interests in the corporation;
- 15 (2) Clerks and other persons in or having been in the employment of the company in or about its business or trade, shall be collocated in the dividend sheet by special privilege over other creditors for any arrears of salary or wages due and unpaid to them at the time of the making of the winding-up order, not exceeding the arrears which have accrued to them during the three months next previous to the date of such order. Privilege of claims of clerks and employees allowed to a certain extent.
 R.S.C. cap. 129, s. 56, ss. 2.
- 20 (3) Liquidators shall be appointed for the purpose of winding up the affairs of the corporation and distributing the property;
- 25 (4) The corporation in general meeting shall appoint such person or persons as it thinks fit to be liquidators or a liquidator, and may fix the remuneration to be paid to them or him;
- 30 (5) If one person only is appointed, all the provisions herein contained in reference to several liquidators shall apply to him;
- 35 (6) Upon the appointment of liquidators all the powers of the directors shall cease except in so far as the corporation in general meeting or the liquidators may sanction the continuance of such powers;
- 40 (7) When several liquidators are appointed, every power hereby given may be exercised by such one or more of them as may be determined at the time of their appointment, or in default of such determination by any number not less than two;
- 45

- (8) The liquidators shall settle the list of contributories of the corporation and any list so settled shall be *prima facie* evidence of the liability of the persons named therein to be contributories; 5
- (9) The liquidators may at any time after the passing of the resolution for winding up the corporation and before they have ascertained the sufficiency of the assets of the corporation, call on all or any of the contributories, for the time being settled on the list of contributories, to the extent of their liability to pay all or any sums they deem necessary to satisfy the debts and liabilities of the corporation, and the costs, charges and expenses of winding it up, and for the adjustment of the rights of the contributories amongst themselves, and the liquidators may in making a call take into consideration the probability that some of the contributories upon whom the same is made may partly or wholly fail to pay their respective portions of the same; 10 15
- (10) The liquidators shall pay the debts of the corporation and adjust the rights of the contributories, shareholders or members amongst themselves. 25

Payment of
costs and
expenses.

179. All costs, charges and expenses properly incurred in the voluntary winding up of a corporation, including the remuneration of the liquidators, shall, after taxation by a taxing officer of the High Court who is hereby empowered to tax the same, be payable out of the assets of the corporation in priority to all other claims. R.S.O. cap. 222, s. 20. 30

Power of
liquidators.

180. The liquidators shall have power to do the following things: 35

- (1) To bring or defend any action, suit or prosecution, or other legal proceeding, civil or criminal, in the name and on behalf of the corporation;
- (2) To carry on the business of the corporation so far as may be necessary for the beneficial winding up of the same; 40
- (3) To sell the real and personal property, effects and things in action of the company by public auction or private contract, with power to transfer the whole thereof to any person or corporation, or to sell the same in parcels; 45

(4) To do all acts and to execute, in the name and on behalf of the corporation, all deeds, receipts and other documents, and for that purpose to use, when necessary, the corporation's seal;

5 (5) To draw, accept, make and indorse any bill of
exchange or promissory note in the name and
on behalf of the corporation, also to raise upon
10 the security of the assets of the corporation,
from time to time, any requisite sum or sums
of money; and the drawing, accepting, mak-
ing or indorsing of every such bill of exchange
or promissory note as aforesaid on behalf of the
15 corporation shall have the same effect with
respect to the liability of such corporation as
if such bill or note had been drawn, accepted,
made or endorsed by or on behalf of such cor-
poration in the course of carrying on the busi-
ness thereof;

20 (6) To take out, if necessary, in his official name, let-
ters of administration to the estate of any de-
ceased contributory and to do in his official name
any other act that may be necessary for obtain-
ing payment of any moneys due from a contribu-
tory or from his estate and which act cannot be
25 conveniently done in the name of the corpora-
tion; and in all cases where he takes out letters
of administration or otherwise uses his official
name for obtaining payment of any moneys due
from a contributory, such moneys shall, for the
30 purpose of enabling him to take out such let-
ters or recover such moneys, be deemed to be
due to the official liquidator himself;

35 (7) To do and execute all such other things as may
be necessary for winding up the affairs of the
corporation and distributing its assets.

181. A corporation about to be wound up voluntarily, or in the course of being wound up voluntarily, may, by resolution, delegate to any committee of its members, contributories or creditors, hereinafter referred to as inspectors, the power of appointing liquidators and filling any vacancies in the office of liquidators, or may by a like resolution enter into any arrangement with respect to the powers to be exercised by the liquidators and the manner in which they are to be exercised; and any act done by the
40 said inspectors in pursuance of such delegated power shall have the same effect as if it had been done by the corpora-
45 tion.

Deposit in bank
by liquidators.

182.—(1) The liquidators shall deposit at interest in some chartered bank to be indicated by the inspectors all sums of money which he may have in his hands, belonging to the corporation, whenever such sums amount to \$100.

Separate de-
posit account
to be kept:
withdrawal
from account.

(2) Such deposit shall not be made in the name of the liquidator generally, on pain of dismissal; but a separate deposit account shall be kept for the corporation of the moneys belonging to the corporation, in the name of the liquidator as such, and of the inspectors (if any); and such moneys shall be withdrawn only on the joint cheque of the liquidator and one of the inspectors, if there be any.

Liquidators to
produce bank
pass book at
meetings, etc.

(3) At every meeting of the shareholders or members of the corporation the liquidators shall produce a pass-book, showing the amount of deposits made for the corporation, the dates at which the deposits were made, the amounts withdrawn and dates of such withdrawal; of which production mention shall be made in the minutes of the meeting, and the absence of such mention shall be *prima facie* evidence that the pass-book was not produced at the meetings.

Liquidator to
produce bank
pass book
when ordered.

(4) The liquidator shall also produce the pass-book whenever so ordered by the Court at the request of the inspectors or a member of the corporation, and on his refusal to do so, he shall be treated as being in contempt of Court. R.S.O. cap. 222, s. 19, ss. 3, 4, 5, 6.

Meetings of
corporation
during wind-
ing up.

183. Where a corporation is being wound up voluntarily, the liquidators may from time to time, during the continuance of such winding up, summon general meetings of the corporation for the purpose of obtaining the sanction of the corporation by resolution, or for any other purposes they think fit; and in the event of the winding up continuing for more than one year, the liquidators shall summon a general meeting of the corporation at the end of the first year and of each succeeding year from the commencement of the winding up, and shall lay before such meeting an account shewing their acts and dealings, and the manner in which the winding up has been conducted during the preceding year. R.S.O. cap. 222, s. 22 (2) (3).

Vacancy in
office of
liquidator.

184. If any vacancy occurs in the office of liquidators appointed by the corporation, by death, resignation or otherwise, the corporation in general meeting may, subject to any arrangement they may have entered into upon the appointment of inspectors, fill up such vacancy, and a general meeting for the purpose of filling up such vacancy may be convened by the continuing liquidators, if any, or by any contributory of the corporation, and shall be deemed to have been duly held in manner prescribed

by the by-laws of the corporation, or in default thereof in the manner prescribed by this Act for calling general meetings of the shareholders or members of the corporation. R.S.O. cap. 222, s. 25 (1), *in part*.

- 5 185. The provisions of section 38 of chapter 129 of The Revised Statutes of Ontario shall apply *mutatis mutandis* to liquidators. Liquidators may distribute assets after expiration of time fixed.

186. The liquidators may, with the sanction of a resolution of the corporation or the inspectors, make such com- Arrangements may be authorized with creditors.
 10 promise or other arrangement as the liquidators deem expedient, with any creditors, or persons claiming to be creditors, or persons having or alleging to have any claim, present or future, certain or contingent, ascertained or sounding only in damages, against the corporation where-
 15 by the corporation may be rendered liable. R.S.O. cap. 222, s. 11.

187. The liquidators may, with the sanction of a resolution of the corporation or of the inspectors, compromise Power to compromise with debtors and contributories.
 20 all calls and liabilities to calls, debts, and liabilities capable of resulting in debts, and all claims, whether present or future, certain or contingent, ascertained or sounding only in damages, subsisting or supposed to subsist between the corporation and any contributory or other debtor or person apprehending liability to the corporation and all
 25 questions in any way relating to or affecting the assets of the corporation, or the winding up of the corporation, upon the receipt of such sums, payable at such times, and generally upon such terms as may be agreed upon; and the liquidators to take any security for the discharge of such
 30 debts or liabilities, and give a complete discharge in respect of all or any such calls, debts or liabilities. R.S.O. cap. 222, s. 12, *amended*. Take security.

- 188.—(1) Where a corporation is proposed to be or is in the course of being wound up, and the whole or a por- Power to accept shares, etc., as a consideration for sale of property to another company.
 35 tion of its business or property is proposed to be transferred or sold to another corporation, the liquidators of the first mentioned corporation, with the sanction of a resolution of the corporation by whom they were appointed conferring either a general authority on the liquidators,
 40 or an authority in respect of any particular arrangement, may receive, in compensation or in part compensation for such transfer or sale, shares or other like interest in such other corporation, for the purpose of distribution amongst the members of the corporation which is being wound up,
 45 or may, in lieu of receiving cash, shares, or other like interests, or in addition thereto, participate in the profits of or receive any other benefit from the purchasing corporation.

Sale or arrangement by liquidators binding unless a member objects.

(2) Any sale made or arrangement entered into by the liquidators in pursuance of this section shall be binding on the shareholders or members of the corporation which is being wound up, subject to the proviso that if any member of the corporation which is being wound up, who has not voted in favour of the resolution passed by the corporation of which he is a member, expresses his dissent from any such resolution, in writing, addressed to the liquidators or one of them, and left at the head office of the corporation, or the place where its undertaking is carried on, not later than seven days after the date of the meeting at which such resolution was passed, such dissentient member may require the liquidators to do one of the following things as the liquidators may prefer, that is to say, either (a) to abstain from carrying such resolution into effect, or (b) to purchase the interest held by such dissentient member, at a price to be determined in manner hereinafter mentioned, such purchase-money to be paid before the corporation is dissolved, and to be raised by the liquidators in such manner as may be determined by resolution.

Proceedings on objection.

Special resolution not invalid because prior to resolution to wind up.

(3) No resolution shall be deemed invalid for the purposes of this section by reason that it is passed antecedently to or concurrently with any resolution for winding up the corporation or for appointing liquidators.

Price payable to dissentient member.

(4) The price to be paid for the purchase of the interest of any dissentient member may be determined by agreement; but if the parties dispute about the same such dispute shall be settled by arbitration under the provisions of *The Arbitration Act*. R.S.O. cap. 222, s. 13, ss. 1, 2, 3, 30 4, *amended*.

189. The liquidator or liquidators or any creditor affected by the provisions of section 162 of this Act or the inspectors may at any time apply to the Master-in-Ordinary in the County of York or the Local Master in any other county or union of counties for his opinion, advice or direction in any matter arising in the liquidation, and the said master may give such opinion, advice or direction after hearing such parties as he shall direct to be notified or after such steps as he may prescribe have been taken, and such advice, opinion or direction shall be followed and shall be binding upon all parties in the liquidation subject to an appeal to a Judge of the High Court of Justice in Chambers if leave to appeal is given by such master and the order of such Judge of the High Court of Justice shall be final and binding in the liquidation.

Winding-up by Court.

190. A corporation may be wound up by Order of the Court:

1. Where it may be wound up voluntarily;

2. Where proceedings have been taken to wind up voluntarily and it appears to the Court that it is in the interests of contributories and creditors that it should be wound up under the supervision of the Court.

3. Where on the application of a contributory the Court is of the opinion that it is just and equitable that the corporation should be wound up. *New.*

4. When the Letters Patent or Supplementary Letters Patent have been declared forfeited or revoked or made void under the provisions of sections 22 or 148.

191. The winding-up order may be made on petition to a Judge or Local Judge of the High Court in Chambers by the liquidator or by any contributor, shareholder, member or when the corporation is being wound up voluntarily by a creditor having a claim of \$200 or upwards. *New.* Who may apply.

192. Where a winding-up order is made by the court without prior voluntary winding-up proceedings, the winding-up shall be deemed to commence at the time of service of notice of motion for the order. *New.*

193. The Court may make the order applied for or may dismiss the petition with or without costs; may adjourn the hearing conditionally or unconditionally, or may make any interim or other orders as may be just, and upon the making of the order may, according to the practice and procedure of such court, refer the proceedings for the winding-up and may also delegate any powers of the Court conferred by this Act to a Master or Referee of the Court. *R.S.C., 129, 9, amended.* Powers of Court.

194. The Court in making the winding-up order may appoint a liquidator or liquidators of the estate and effects of the corporation; but no such liquidator shall be appointed unless a previous notice is given to the creditors, contributories, shareholders, or members in the manner and form prescribed by the Court. Provided, however, that if a liquidator has already been appointed in a voluntary liquidation such notice need not be given. *R.S.C. 129, 20. Amended.* Appointment of liquidator.

195.—(1) If from any cause there is no liquidator acting either provisionally or otherwise, the Court may on the application of a member of the corporation, appoint a liquidator or liquidators. Appointment by court.

(2) The Court may also on due cause shewn, remove a liquidator and appoint another liquidator. Removal of liquidator.

The case of no liquidator.

(3) When there is no liquidator the estate shall be under the control of the Court until the appointment of a new liquidator. R.S.O. cap. 222, s. 25, ss. 2, 3, 4.

Proceeding in winding up after order.

196. When a winding-up order has been made proceedings for the winding up of the corporation shall be taken in the same manner and with the like consequences as hereinbefore provided for a voluntary winding up. Provided, however, that the list of contributories shall be settled by the Court except where the same has been settled by the liquidator prior to the winding up order when such list shall be subject to review by the Court and that all proceedings in said winding up shall be subject to the order and discretion of the Court. *New.*

Meetings of members of company may be ordered.

197.—(1) The Court may direct meetings of the shareholders or members of the corporation to be summoned, held and conducted in such manner as the Court thinks fit for the purpose of ascertaining their wishes, and may appoint a person to act as chairman of any such meeting, and to report the result of such meeting to the Court.

Chairman.

Order for delivery by contributories and others of property, etc.

(2) The Court may require any contributory for the time being settled on the list of contributories, or any trustee, receiver, banker, or agent or officer of the corporation to pay, deliver, convey, surrender or transfer forthwith, or within such time as the Court directs, to or into the hands of the liquidator, any sum or balance, books, papers, estate, or effects which happen to be in his hands for the time being, and to which the corporation is *prima facie* entitled.

Inspection of books.

(3) The Court may make such order for the inspection by the creditors and contributories of the corporation of its books and papers as the Court thinks just; and any books and papers in the possession of the company may be inspected in conformity with the order of the Court, but not further or otherwise. R.S.O. cap. 222, s. 23, ss. 5, 6, 10.

Examination of persons before court or liquidator.

198. The Court may, at any time after the commencement of the winding up of the corporation, summon to appear before the Court or liquidator any officer of the corporation, or any other person known or suspected to have in his possession any of the estate or effects of the corporation, or supposed to be indebted to the corporation, or any person whom the Court may deem capable of giving information concerning the trade, dealings, estate or effects of the corporation, and in case of refusal to appear and answer the questions submitted, he may be committed and punished by the Judge as for a contempt.

Power of court to assess damages

(2) Where in the course of winding up a corporation under this Act, it appears that any person who has taken

part in the formation or promotion of the corporation or any past or present director, manager, official or other liquidator, or any officer of the corporation has misapplied, or retained in his own hands, or become liable or accountable for, moneys of the corporation, or been guilty of any misfeasance or breach of trust in relation to the corporation, the Court may, on the application of a liquidator, or of any contributory of the corporation, notwithstanding that the offence is one for which the offender is criminally responsible, examine into the conduct of such promoter, director, manager, or other officer, and compel him to repay the moneys so misapplied or retained, or for which he has become liable or accountable, together with interest, such rate as the Court thinks just, or to contribute such sums of money to the assets of the corporation by way of compensation in respect of such misapplication, retainer, misfeasance, or breach of trust, as the Court thinks just. R.S.O. cap. 222, s. 23, ss. 11, 17.

against delinquent directors, etc.

199. If at any time a member of the corporation desires to cause any proceeding to be taken which, in his opinion, would be for the benefit of the corporation, and the liquidator, under the authority of the members of the corporation or of the inspectors, refuses or neglects to take such proceeding, after being duly required so to do, the member of the corporation shall have the right to obtain an order of the Court authorizing him to take such proceeding in the name of the liquidator or corporation, but at his own expense and risk, upon such terms and conditions as to indemnity to the liquidator, as the Court may prescribe; and thereupon any benefit derived from such proceeding shall belong exclusively to the member of the corporation instituting the same, for his benefit and that of any other member of the corporation who may have joined him in causing the institution of such proceeding; but if, before such order is granted, the liquidator signifies to the Court his readiness to institute such proceeding for the benefit of the corporation, an order shall be made prescribing the time within which he shall do so and in that case the advantage derived from such proceeding shall appertain to the corporation. R.S.O. cap. 222, s. 24.

Proceedings by contributories, at their own expense and for their own benefit only.

200. Any powers by this Act conferred on the Court shall be deemed to be in addition to any other power, of instituting proceedings against any contributory, or against any debtor of the corporation for the recovery of any call or other sums due from such contributory, or against any debtor of the corporation, for the recovery of any call or other sum due from such contributory or debtor, or his estate, and such proceedings may be instituted accordingly. R.S.O. cap. 222, s. 28.

Powers of court to be in addition to other powers.

Stay of proceedings.

201. The Court at any time after an order has been made for winding up a corporation may, upon the application by motion of any contributory, and upon proof to the satisfaction of the Court that all proceedings in relation to the winding up ought to be stayed, make an order staying the same, either altogether or for a limited time, on such terms and subject to such conditions as the Court deems fit. R.S.O. cap. 222, s. 33. 5

Appeals.

202. Any party who is dissatisfied with any order or decision of the Court or of a Master or Referee in any proceeding under this Act, may appeal therefrom to a Judge of the High Court as in the case of a like order made in any action. *New.* 10

Rules of procedure.

203. The Lieutenant-Governor-in-Council may from time to time make rules of practice and procedure for the due carrying out of the provisions of this part of the Act, and until such rules have been made the practice shall be the same as in cases of administration of estates so far as the same are applicable, or in the Master's Office in cases under the *Winding-Up Act*. (Canada.) *New.* 20

Account of winding up to be made by liquidator to a general meeting.

204.—(1) As soon as the affairs of the corporation are fully wound up, the liquidators shall make up an account shewing the manner in which the winding up has been conducted, and the property of the corporation disposed of; and thereupon they shall call a general meeting of the members or shareholders of the corporation for the purpose of having the account laid before them, and hearing any explanation that may be given by the liquidators; the meeting shall be called in the manner provided by the by-laws for calling general meetings of the shareholders or members of the corporation. 25

Return of holding of meeting to be sent to Provincial Secretary.

(2) The liquidator shall make a return to the Provincial Secretary of such meeting having been held, and of the date at which the same was held; which return shall be filed in the office of the Provincial Secretary; and on the expiration of three months from the date of the filing of such return, the corporation shall be deemed to be dissolved. R.S.O. cap. 222, s. 40. 35

Dissolution of company

Order for dissolution.

205. Whenever the affairs of the corporation have been completely wound up, the Court may make an order that the corporation be dissolved from the date such order, and the corporation shall be dissolved accordingly; which order shall be reported by the liquidator to the Provincial Secretary. R.S.O. cap. 222, s. 41.

Report to Provincial Secretary.

Penalty on default in reporting by liquidator or in making return.

206. If the liquidator makes default in transmitting to the Provincial Secretary the return mentioned in section 187 (2) or in reporting the order (if any) declaring the cor- 45

poration dissolved, he shall be liable on summary conviction to a penalty not exceeding \$20 for every day during which he is in default. R.S.O. cap. 222, s. 42.

207. All dividends deposited in a bank and remaining
5 unclaimed at the time of the dissolution of the corporation, shall be left for three years in the bank where they are deposited, and if still unclaimed, shall then be paid over by such bank, with interest accrued thereon, to the Treasurer of Ontario, and, if afterwards duly claimed,
10 shall be paid over by the Treasurer to the persons entitled thereto. R.S.O. cap. 222, s. 43.

Disposition of unclaimed dividends.

208.—(1) Every liquidator shall, within thirty days after the date of the dissolution of the corporation, deposit
15 in the bank appointed or named as hereinbefore provided for, any other moneys belonging to the estate then in his hands not required for any other purpose authorized by this Act, with a sworn statement and account of such money, and that the same is all he has in his hands; and he shall be liable on summary conviction to a penalty of
20 not exceeding \$10 for every day on which he neglects or delays such payments; and he shall be a debtor to His Majesty for such money and may be compelled as such to account for any pay over the same.

Deposit by liquidator after dissolution of moneys with sworn statement.
Penalty on omission.

(2) The money so deposited shall be left for three years
25 in the bank, and shall be then paid over, with interest, to the Treasurer of the Province, and if afterwards claimed shall be paid over to the person entitled thereto.

Money to remain on deposit for three years.

(3) Where a corporation has been wound up under this
30 Act and is about to be dissolved, the books, accounts and documents of the corporation and of the liquidators may be disposed of in such a way as the corporation by resolution directs in case of voluntary winding up or the Court in case of winding up under order.

Disposal of books, etc., after winding up.

(4) After the lapse of five years from the date of such
35 dissolution no responsibility shall rest on the corporation or the liquidators, or any one to whom the custody of such books, accounts and documents has been committed, by reason that the same or any of them are not forthcoming to any party claiming to be interested therein. R.S.O.
40 cap. 222, s. 44.

After five years responsibility as to custody of books, etc., to cease.

PART XV.

APPLICATION OF ACT AND REPEAL.

209. The Lieutenant-Governor in Council may by Supplementary Letters Patent upon the application of a corporation, a shareholder, a creditor, a holder of bonds, debentures or other securities or obligation thereof or any person,
45 firm or corporation with whom the company may have dealt

Powers of existing corporations may be varied.

ings, relieve the corporation from any duty, obligation or other disability, or may limit any right, power or other advantage which may have been cast or conferred upon the corporation by the repeal of the general Act under which the said corporation was incorporated and by the enactment of this Act. Notice shall thereupon be given in the *Gazette* by the Provincial Secretary of such Supplementary Letters Patent setting out the manner in which any such duty, obligation or other disability has been relieved or in which such right, power or other advantage has been limited. 10

Application of
Act.

210. This Act, except in so far as it may have been particularly made otherwise applicable, shall apply to the following companies:

- (a) To every company incorporated under any special or general Act of the Parliament of the late Province of Upper Canada. 15
- (b) To every company incorporated under any special or general Act of the Parliament of the late Province of Canada which has its head office and carries on business within the Province of Ontario, and which was incorporated with objects or purposes to which the legislative authority of the Legislature of the Province of Ontario extends; and 20
- (c) To every company incorporated under any special or general Act of the Legislature of the Province of Ontario; 25

Provided, however, that this Act shall not apply to any such company incorporated for the construction and working of a railway, the business of insurance and the business of a loan corporation within the meaning of *The Loan Corporations Act*; and further provided that the Lieutenant-Governor in Council may relieve any company incorporated before the first day of July, 1897, from compliance with any of the provisions of this Act as may be deemed expedient. 30 35

Repeal.

211. The Acts mentioned in Schedule E to this Act are hereby repealed to the extent specified in the third column of that schedule; provided, that

Proviso.

(1) Any Letters Patent, Supplementary Letters Patent, Order-in-Council, certificate, by-law, rule or regulation made or granted with respect to any company, corporation or association within the scope of this Act under any enactment hereby repealed, shall continue in force as if it had been made or granted under this Act. 40 45

(2) The corporate existence and powers of all companies, association or other corporation within the scope of this Act incorporated otherwise than by Letters Patent under

any enactment hereby repealed shall continue as if such companies, associations or other corporations had been incorporated under this Act.

(3) The corporate existence, rights and powers of any 5 and all corporations, associations and societies, registered as friendly societies, and incorporated under any Act respecting benevolent, provident and other societies, or any other Act of this Province, and all the rights and privileges of the members thereof and their beneficiaries are 10 (subject to the provisions of *The Ontario Insurance Act* and all amendments thereto) hereby continued notwithstanding the repeal of any Act hereunder and notwithstanding anything in this Act hereinbefore contained.

(4) Saving and excepting those corporations referred to in subsection 3 hereof, any document referring to any Act or enactment hereby repealed shall be construed to refer to this Act or to the corresponding enactment of this Act.

(5) Any penalty may be recovered any any offence may
20 be prosecuted under this Act for any matter or thing pro-
vided for under the Acts hereby repealed.

212. This Act shall, except as otherwise expressed, come into operation on the first day of July, one thousand nine hundred and seven. Commence-
ment of Act.

SCHEDULE A.

PETITION.

To HIS HONOUR Etc., Etc., Etc.

Lieutenant-Governor of the Province of Ontario:

THE PETITION OF

.....

.....

.....

Humbly sheweth as follows:

1. Your petitioners are desirous of obtaining by Letters Patent, under the Great Seal, a charter, under the provisions of *The Ontario Companies' Act*, constituting your petitioners and such others as may become shareholders in the Company thereby created, a body corporate and politic under the name of The Company (Limited), or such other name as shall appear to Your Honour to be proper in the premises.

2. Your petitioners have satisfied themselves and are assured that the corporate name under which incorporation is sought is not on any public ground objectionable, and that it is not that of any known company, incorporated or unincorporated, or of any partnership or individual, or any name under which any known business is being carried on, or so nearly resembling the same as to deceive.

3. Your petitioners have satisfied themselves and are assured that no public or private interest will be prejudicially affected by the incorporation of your petitioners as aforesaid.†

4. Your petitioners are of the full age of twenty-one years.

5. The object for which incorporation as aforesaid is sought by your petitioners is to

6. The head office of the Company will be at

7. The amount of the capital stock of the Company is to be dollars.

8. The said stock is to be divided into shares of dollars each.

9. The said

are to be provisional directors of the Company.

10. By subscribing therefor in a Memorandum of Agreement, duly executed in duplicate, with a view to the incorporation of the Company, your petitioners have taken the amount of stock set opposite their respective names, as follows:—

Petitioners.	Amount of stock subscribed for.
.....	\$.....
.....	\$.....
.....	\$.....
.....	\$.....

YOUR PETITIONERS therefore pray that Your Honour may be pleased by Letters Patent under the Great Seal to grant a Charter to your petitioners constituting your petitioners and such others as have or may become subscribers to the Memorandum of Agreement and stock-book of the Company thereby created, a body corporate and politic for the due carrying out of the undertaking aforesaid.

And your petitioners, as in duty bound, will ever pray.

Signatures of witnesses.

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Signatures of petitioners.

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Dated at this day of 18 .

SCHEDULE B.

(To be executed in duplicate; one duplicate to be deposited in the office of the Provincial Secretary.)

THE.....COMPANY OF.....(LIMITED.)

MEMORANDUM OF AGREEMENT AND STOCK-BOOK.

WE the undersigned do hereby severally covenant and agree each with the other to become incorporated as a company under the provisions of *The Ontario Companies Act* under the name of THE....., or such other name as the Lieutenant-Governor may give to the Company with a capital of.....dollars, divided into.....shares of.....dollars each.

AND WE DO hereby severally, and not one for the other, subscribe for and agree to take the respective amounts of the capital stock of the said Company set opposite our respective names as hereunder and hereafter written, and to become shareholders in such Company to the said amounts.

In witness whereof we have signed.

Name of subscriber.	Seal.	Amount of sub- scrip- tion.	Date and place of subscription.		Residence of subscriber.	Name of witness.
			Date.	Place.		

PETITION.

Lieutenant-Governor of the Province of Ontario:

THE PETITION OF

Humbly sheweth as follows:

1. Your petitioners are desirous of obtaining by Letters Patent, under the Great Seal, a charter, under the provisions of *The Ontario Companies' Act*, constituting your petitioners and such others as may become members of the corporation thereby created, a body corporate and politic without share capital under the name of or such other name as shall appear to Your Honour to be proper in the premises.

2. Your petitioners have satisfied themselves and are assured that the corporate name under which incorporation is sought is not on any public ground objectionable, and that it is not that of any known company, incorporated or unincorporated, or of any partnership or individual, or any name under which any known business is being carried on, or so nearly resembling the same as to deceive.

3. Your petitioners have satisfied themselves and are assured that no public or private interest will be prejudicially affected by the incorporation of your petitioners' as aforesaid.†

4. Your petitioners are of the full age of twenty-one years.

5. The object for which incorporation as aforesaid is sought by your petitioners is to

6. The said
.....
are to be the provisional directors of the Corporation.

7. Your petitioners have subscribed to a memorandum of agreement in duplicate, setting out the purposes and objects of incorporation and provisions for administering the affairs of the Corporation, and have undertaken that the said Corporation shall be carried on without the purpose of gain for its members, and that any profits or other accretions to the Corporation shall be used in promoting its objects.

YOUR PETITIONERS therefore pray that Your Honour may be pleased by Letters Patent under the Great Seal to grant a Charter to your petitioners constituting your petitioners and such others as have or may become subscribers to the Memorandums of Agreement of the Corporation thereby created, a body corporate and politic for the due carrying out of the undertaking aforesaid.

And your petitioners, as in duty bound, will ever pray.

Signature of witnesses.

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Signature of petitioners.

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Dated at this day of 18 ..

SCHEDULE D.

Memorandum of Agreement of the
Association, made and entered into this day of
1906.

(1) We the undersigned do hereby severally covenant and agree each with the other to become incorporated under the provisions of *The Ontario Companies' Act* as a corporation without share capital for the purposes and objects following:—

(2) The subscribers shall be the first members, and it shall rest with the directors to determine the terms and conditions on which subsequent members shall from time to time be admitted.

(3) The following shall be the first directors of the corporation:—

(4) Any member may transfer his interest in the corporation by instrument in writing, signed both by the transferor and transferee and duly registered with the corporation.

(5) The first general meeting shall be held at such time, not being more than two months after the incorporation of the corporation, and at such place as the directors may determine.

(6) Subsequent general meetings shall be held at such time and place as may be prescribed by the corporation in general meeting; and if no other time or place is prescribed, a general meeting shall be held on the fourth Wednesday in January in every year, at such place as may be determined by the directors.

(7) The directors may, whenever they think fit, and they shall upon a requisition made in writing by any five or more members, convene a general meeting.

(8) Any requisition made by the members shall express the object of the meeting proposed to be called and shall be left at the office of the corporation.

(9) Upon the receipt of such requisition the directors shall forthwith proceed to convene a general meeting. If they do not proceed to convene the same within twenty-one days from the date of the requisition, the requisitionists or any other five members may themselves convene a meeting.

(10) Ten days' notice at the least, specifying the place, the day, and the hour of meeting, and in case of special business the general nature of such business shall be given to the members in the manners hereinafter mentioned, or in such other manner, if any, as may be prescribed by the corporation in general meeting, but the non-receipt of such notice by any member shall not invalidate the proceedings at any general meeting.

(11) If within one hour from the time appointed for the meeting a quorum of members is not present, the meeting, if convened upon the requisition of the members, shall be dissolved. In any other case, it shall stand adjourned to the same day in the following week, at the same time and place; and if at such adjourned meeting a quorum of members is not present, it shall be adjourned *sine die*.

(12) The chairman (if any) of the directors shall preside as chairman at every general meeting of the corporation.

If there is no such chairman, or if at any meeting he is not present at the time of holding the same, the members present shall choose some one of their number to be chairman at such meeting.

(13) The chairman may, with the consent of the meeting, adjourn any meeting from time to time, and from place to place, but no business shall be transacted at any adjourned meeting other than the business left unfinished at the meeting from which the adjournment took place.

(14) At any general meeting, unless a poll is demanded, a declaration by the chairman that a resolution has been carried, and an entry to that effect in the minutes of proceedings of the corporation, shall be sufficient evidence of the fact, without proof of the number or proportion of the votes recorded in favor of or against such resolution.

(15) If a poll is demanded, the same shall be taken in such manner as the chairman directs, and the result of such poll shall be deemed to be the resolution of the corporation in general meeting.

(16) With the consent in writing of all members, a general meeting may be convened on shorter notice than seven days, and in any manner which such members think fit.

(17) The quorum of a general meeting shall be members present in person.

(18) Until otherwise determined by special resolution, every member shall have one vote.

(19) Votes may be given either personally or by proxy. The instrument appointing a proxy shall be in writing, under the hand of the appointor, or if such appointor is a corporation, under its common seal, and shall be attested by one or more witness or witnesses; no person shall be appointed a proxy who is not a member of the corporation.

(20) A resolution signed by all the directors shall be as valid and effectual as if it had been passed at a general meeting of the directors duly called and constituted.

(20) The future remuneration of the directors, and their remuneration for services performed previously to the first general meeting, shall be determined by the corporation in general meeting.

(21) The affairs of the corporation shall be managed by the directors, who may pay all expenses incurred in incorporating the corporation, and may exercise all such powers of the corporation as are not by the foregoing Act, or by these articles, required to be exercised by the corporation in general meeting, subject, nevertheless, to any regulations of this memorandum, to the provisions of the foregoing Act, and to such regulations, being not inconsistent with the aforesaid regulations or provisions, as may be prescribed by the corporation in general meeting; but no regulation made by the corporation in general meeting shall invalidate any prior act of the directors which would have been valid if such regulation had not been made. The continuing directors may act notwithstanding any vacancy in their body.

(2) The office of director shall be vacated:—

(a) If he holds any other office or place of profit under the corporation;

(b) If he is concerned in or participates in the profits of any contract with the corporation;

• But the above rules shall be subject to the following exceptions:— that no director shall vacate his office by reason of his being a shareholder of any corporation which has entered into contracts with or done any work for the corporation of which he is a director; nevertheless, he shall not vote in respect of such contract of work, and if he does so vote his vote shall not be counted, and in

addition thereto, a director shall vacate his office if and when he is requested by the corporation in general meeting to resign.

(23) A retiring director shall be re-eligible.

The corporation at the general meeting at which any directors retire in manner aforesaid shall fill up the vacated offices by electing a like number of persons.

(24) If at any meeting at which an election of directors ought to take place the places of the vacating directors are not filled up, the meeting shall stand adjourned till the same day in the next week, at the same time and place; and if at such adjourned meeting the places of the vacating directors are not filled up, the vacating directors, or such of them as have not had their places filled up, shall continue in office until the ordinary meeting in the next year, and so on from time to time until their places are filled up.

(25) The corporation may, from time to time, in general meeting, increase or reduce the number of directors, and may also determine in what rotation of any such increased or reduced number is to go out of office.

(26) Any casual vacancy occurring in the board of directors may be filled up by the directors, but any person so chosen shall retain his office so long only as the vacating director would have retained the same if no vacancy had occurred.

(27) The corporation in general meeting may, by a special resolution, remove any director before the expiration of his period of office, and may, by an ordinary resolution, appoint another person in his stead; the person so appointed shall hold office during such time only as the director in whose place he was appointed would have held the same if he had not been removed.

(28) The directors may meet together for the dispatch of business, adjourn, and otherwise regulate their meetings as they think fit, and determine the quorum necessary for the transaction of business. Questions arising at any meeting shall be decided by a majority of votes. In case of an equality of votes the chairman shall have a second or casting vote. A director may at any time summon a meeting of the directors.

(29) The directors may elect a chairman of their meetings, and determine the period for which he is to hold office; but if no such chairman is elected, or if at any meeting the chairman is not present at the time appointed for holding the same, the directors present shall choose some one of their number to be chairman of such meeting.

(30) The directors may delegate any of their powers to committees consisting of such member or members of their body as they think fit. Any committee so formed shall, in the exercise of their powers so delegated, conform to any regulations that may be imposed on them by the directors.

(31) A committee may elect a chairman of their meetings. If no such chairman is elected, or if he is not present at the time appointed for holding the same, the members present shall choose one of their number to be chairman of such meeting.

(32) A committee may meet and adjourn as they think proper. Questions arising at any meeting shall be determined by a majority of votes of the members present, and in case of an equality of votes the chairman shall have a second or casting vote.

(33) All acts done by any meeting of the directors, or of a committee of directors, or by any person acting as a director shall, notwithstanding that it be afterwards discovered that there was some defect in the appointment of any such directors or persons acting as aforesaid, or that they, or any of them, were disqualified, be as valid as if every such person had been duly appointed and was qualified to be a director, but it shall not be necessary to give notice of a meeting of the directors to a director who is not within the Province.

In testimony whereof we have hereunto set our hands and affixed our seals.

SCHEDULE E.

REPEAL.

Session and Chapter.	Short Title.	Extent of Repeal.
Revised Statutes of Ontario, Cap. 191.	The Ontario Companies Act.	The whole Act.
The Revised Statutes of Ontario, Cap. 194	The Timber Slides Companies Act.	Sec. 1-17, 20-35 and 60, 62, 63, 64.
Revised Statutes of Ontario, Cap. 195.	An Act respecting Joint Stock Companies for the construction of Piers, Wharfs, Dry Docks and Harbors.	Sec. 1-7, 12-14.
Revised Statutes of Ontario, Cap. 196.	An Act respecting Joint Stock Companies for the erection of Exhibition Buildings.	Sec. 1-3, 5-7.
Revised Statutes of Ontario, Cap. 197.	The Mining Companies Incorporation Act.	The whole Act.
Revised Statutes of Ontario, Cap. 199.	An Act respecting Joint Stock Companies for supplying Cities, Towns and Villages with Gas and Water.	Sec. 1-11, 14-17, 20-43, 55-58.
Revised Statutes of Ontario, Cap. 200.	An Act respecting Companies for supplying Steam, Heat, Electricity or Natural Gas for Heat, Light or Power.	Sec. 1-3, 5-8.
Revised Statutes of Ontario, Cap. 201.	An Act respecting Cheese and Butter Manufacturing Associations and Companies.	The whole Act.
Revised Statutes of Ontario, Cap. 202.	An Act respecting Co-operative Associations.	The whole Act.
Revised Statutes of Ontario, Cap. 206.	The Ontario Trust Companies Act.	The whole Act.
Revised Statutes of Ontario, Cap. 211.	An Act respecting Benevolent, Provident and other Societies.	The whole Act.
Revised Statutes of Ontario, Cap. 213.	An Act respecting Cemetery Companies.	Sec. 1-2, s.s. 1-3, 14-20, 25, 26, 30.
Revised Statutes of Ontario, Cap. 215.	An Act respecting the changing of the names of Incorporated Companies.	The whole Act.
Revised Statutes of Ontario, Cap. 216.	The Directors Liability Act.	The whole Act.
Revised Statutes of Ontario, Cap. 217.	An Act to prevent fraudulent statements by Companies and others.	The whole Act.
Revised Statutes of Ontario, Cap. 218.	An Act respecting Fees payable by Incorporated Companies and other Bodies.	The whole Act.
Revised Statutes of Ontario, Cap. 219.	An Act respecting Returns required from Incorporated Companies.	The whole Act.
Revised Statutes of Ontario, Cap. 221.	An Act respecting Investments by Corporations.	The whole Act.
Revised Statutes of Ontario, Cap. 222.	The Joint Stock Companies Wind-up Act.	The whole Act.
4 Edw. VII., Cap. 11.	The Statute Law Amendment Act, 1904.	Sec. 45, 46, 47, 48.
61 Vic., Cap. 19.	An Act to Amend the Ontario Companies Act.	The whole Act.

SCHEDULE E.—*Concluded.*

REPEAL.

Session and Chapter.	Short Title.	Extent of Repeal.
61 Vic., Cap. 20.	An Act to amend the Timber Slides Companies Act.	The whole Act.
62 Vic. (2), Cap. 11.	An Act to amend the Statute Law.	Sec. 19, 20 and 21.
63 Vic., Cap. 23.	An Act to amend the Ontario Companies Act.	The whole Act.
63 Vic., Cap. 26.	An Act to provide for the incorporation of Co-operative Cold Storage Associations.	Sec. 1-16 Schedule A.
1 Edw. VII., Cap. 18.	An Act to amend the Ontario Companies Act.	The whole Act.
2 Edw. VII., Cap. 24.	An Act to amend the Ontario Companies Act.	The whole Act.
3 Edw. VII., Cap. 7.	The Statute Law Amendment Act, 1903.	Sec. 34, 35, 36.

3rd Session, 11th Legislature,
7 Edward VII., 1907.

BILL.

An Act respecting Joint Stock and other
Companies

First Reading, 28th January, 1907.
Second Reading, 5th February, 1907.

Mr. HANNA.

TORONTO:

PRINTED BY L. K. CAMERON,

Printer to the King's Most Excellent Majesty.

An Act respecting Joint Stock and other Companies.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as *The Ontario Companies Act*. Short title.
R.S.O., c. 191, s. 1.

2.—(a) The word “corporation” in this Act includes all companies, whether with or without capital, and whether the capital thereof is divided into shares or not.

(b) The word “company” in this Act means only a company having a capital divided into shares.

PART I.

INCORPORATION, RE-INCORPORATION, AMALGAMATION.

3. The Lieutenant-Governor may, by Letters Patent, grant a charter to any number of persons, not less than five, of the age of twenty-one years, who petition therefor, constituting such persons and any others who have or may thereafter become subscribers to the memorandum or agreement hereafter referred to, a body corporate and politic with or without capital divided into shares, for any of the purposes to which the authority of the Legislature of Ontario extends, except the construction or working of railways for public use within Ontario, the business of insurance, and of loan corporations within the meaning of *The Loan Corporations Act*. R.S.O., c. 191, s. 9, amended.

Corporations formed for certain purposes may be incorporated by letters patent.

4.—(1) The applicants for incorporation of a company with capital divided into shares, may petition the Lieutenant-Governor, through the Provincial Secretary, for the grant of Letters Patent. The petition of the applicants shall show:

- Name. (a) The proposed corporate name of the company;
- Object. (b) The objects for which the company is to be incorporated;
- Head office. (c) The place within Ontario where the head office of the company is to be situated;
- Capital. (d) The amount of the capital stock of the company, the number of shares, and the amount of each share;
- Names of applicants. (e) The name in full, the place of residence and the calling of each of the applicants;
- Directors. (f) The names of the applicants, not less than three, who are to be the provisional directors of the company.
- Form of Petition. (2) The petition may be in the form or to the effect set out in Schedule "A" to this Act, and shall be accompanied by a memorandum of agreement, executed in duplicate in the form or to the effect set out in Schedule "B" to this Act.
- Memo. of agreement.
- Petitioners to be *bona fide* holders for shares. (3) Each petitioner shall be the *bona fide* holder in his own right of the share or shares for which he has subscribed in the memorandum of agreement.
- (4) The petition may ask to have embodied in the letters patent any provision which, under this Act might be embodied in any by-law of the company when incorporated. R.S.O., c. 191, s. 10, *amended*.

Petition for incorporation without share capital.

5.—(1) The applicants for the incorporation of a corporation not having share capital may petition the Lieutenant-Governor through the Provincial Secretary for the Grant of Letters Patent. The petition of the applicants shall show :

- (a) The proposed corporate name of the corporation;
- (b) The objects for which the corporation is to be incorporated;
- (c) The place within Ontario where its objects are to be carried out;
- (d) The name in full, the place of residence and the calling of each of the applicants;

(2) The petition may be in the form or to the effect set out in Schedule "C" to this Act.

Memorandum of agreement.

(3) The petition shall be accompanied by a memorandum of agreement signed by the petitioners setting out such regulations as may be deemed expedient—(1) for the selection of members, trustees, directors and officers; (2) for the holding of meetings of members, trustees and di-

rectors; (3) for the establishment of branches; (4) for the payment of directors, trustees, officers and employees; (5) for the control and management of the affairs of the corporation. The memorandum shall be expressed in separate paragraphs numbered consecutively, and may be in the form or to the effect set out in Schedule "D" to this Act, and the petitioners may adopt all or any of its provisions or substitute others in lieu thereof. *New.*

6. The Lieutenant-Governor on any application for Letters Patent or Supplementary Letters Patent may give a different name to the corporation than that proposed and may vary the objects or other provisions or terms. *New.* Change of name or terms of application.

7. Any corporation without share capital heretofore or hereafter incorporated upon the consent in writing of all the members of such corporation, may by by-law provide for the creation of a capital divided into shares and may provide for the allotment and payment of such shares and fix and prescribe the rights and privileges of the shareholders therein; Provided, however, that no such by-law shall be valid until confirmed by letters patent. *New.* Creation of capital of corporation without share capital.

8.—(1) Any two or more corporations incorporated under the laws of this Province, and having the same or similar objects within the scope of this Act, may, in the manner herein provided, amalgamate, and may enter into all contracts and agreements necessary to such amalgamation. Amalgamation of corporations.

(2) The corporations proposing to amalgamate as aforesaid, may enter into a joint agreement for the amalgamation, prescribing the terms and conditions thereof, the mode of carrying the same into effect, the name of the new corporation, the names, callings, and places of residence of the first directors thereof, and how and when the subsequent directors shall be elected, with such other details as may be necessary to perfect the amalgamation and the subsequent management and working thereof, and in cases of companies having capital divided into shares the number of shares of the capital, the amount of par value of each share, and the manner of converting the share capital of each of the said corporations into that of the new corporation. Joint agreement between directors proposing to amalgamate, etc.

(3) The agreement shall be submitted to the shareholders or members of each of the said corporations at a general meeting thereof, called for the purpose of taking the same into consideration. To be submitted to shareholders or members of each corporation.

(4) At such meetings of shareholders or members the agreement shall be considered, and if two-thirds of the votes of all the shareholders or members of each of such

corporations are for the adoption of the agreement, then that fact shall be certified upon the agreement by the secretary of each of such corporations under the corporate seal thereof; thereupon the several corporations by their joint petition may, through the Provincial Secretary, apply to the Lieutenant-Governor for Letters Patent confirming the said agreement, and on and from the date of the said Letters Patent the said corporations shall be deemed and taken to be amalgamated and to form one corporation by the name in the Letters Patent provided, and the corporation so incorporated, shall possess all the properties real, personal and mixed, rights, privileges and franchises and be subject to all the liabilities, contracts, disabilities and duties of each of the corporations so amalgamated. R.S.O., c. 191, s. 103, ss. 1, 2, 3, 4, *amended*.

Re-incorporation of corporation.

9. Any corporation incorporated for purposes or objects within the scope of this Act, whether under a special or general Act, and being at the time of its application a subsisting and valid corporation, may apply for letters patent under this Act; and the Lieutenant-Governor may grant Letters Patent incorporating the shareholders or members of the said corporation as a corporation under this Act. R.S.O., c. 191, s. 104.—1, *in part*.

Extension of powers on re-incorporation.

10. Where an existing corporation applies for the issue of Letters Patent under the provisions of the preceding section, the Lieutenant-Governor may, by Letters Patent, extend the powers of the corporation to such other objects as the applicant desires, name the first directors of the new corporation, and give to the new corporation the name of the old corporation or any other name. R.S.O., c. 191, s. 105, *amended*.

Rights of creditors preserved.

11. All rights of creditors against the property, rights and assets of a corporation amalgamated or re-incorporated under the provisions of this Act, and all liens upon the property, rights and assets of such corporation, shall be unimpaired by such amalgamation, or re-incorporation, and all debts, contracts, liabilities and duties of such corporations shall thenceforth attach to the amalgamated or re-incorporated corporation and may be enforced against it to the same extent as if the said debts, contracts, liabilities and duties had been incurred or contracted by it. R.S.O., c. 191, s. 103, ss. 6, *amended*.

No action to abate.

12. No action or proceeding shall abate or be affected by such amalgamation or re-incorporation, but for all the purposes of such action or proceeding, such corporation may be deemed still to exist, or the new corporation may be substituted in such action or proceeding in the place thereof. R.S.O., c. 191, s. 103, ss. 7, *amended*.

13. Any corporation may from time to time pass by-laws by a vote of not less than two-thirds in value of those shareholders or members present in person or by proxy at a general meeting of the corporation duly called for considering the subject of such by-laws authorizing an application by petition to the Lieutenant-Governor, to direct the issue of Supplementary Letters Patent to the corporation, embracing any or all of the following matters:

Supplementary letters patent for certain purposes.

- (a) Increasing or decreasing the capital; provided, however, that the capital of a company shall not be increased until ninety per centum thereof has been subscribed and ten per centum paid thereon, and further provided, that on a reduction of the capital of a company the liability of shareholders to persons who at the time of such reduction are creditors of the company shall remain as though the reduction had not been made. Varying capital stock.
- (b) Redividing the capital of the company into shares of smaller or larger amount; Re-dividing shares.
- (c) Extending the powers of the corporation to any objects which the corporation may desire; Extending powers.
- (d) Limiting or increasing the amount which the corporation may borrow upon debentures or otherwise; Limiting borrowing powers.
- (e) Varying any provision contained in the special Act or Letters Patent incorporating the corporation; Amending charter.
- (f) Making provision for any other matter or thing in respect of which provision might have been made had the corporation been incorporated under this Act. R.S.O., c. 191, s. 17-21, 102, 106, *amended*. Making other provisions.

14. Before Letters Patent or Supplementary Letters Patent are issued the applicants shall establish to the satisfaction of the Provincial Secretary the sufficiency of the petition, memorandum of agreement, by-law, resolution and all documents filed on such application, and shall furnish such evidence of the *bona fides* of any application as he may deem necessary. R.S.O., c. 191, s. 12, *amended*. Preliminary conditions to be established

15.—(1) The Provincial Secretary, or any officer to whom the application may be referred, may for any purpose under this Act, take evidence in writing, under oath or affirmation. Proofs of matters under this Act.

(2) Proof of any matter which may be necessary to be made under this Act, may be made by statutory declaration, affidavit, or deposition before the Provincial Secre-

tary, or officer as aforesaid, or before any other person authorized to take affidavits. R.S.O., c. 191, s. 13, *amended*.

Notice of
issuing letters
patent.

16. Notice of the granting of Letters Patent or Supplementary Letters Patent, shall be given forthwith by the Provincial Secretary in the *Ontario Gazette*, and the corporation shall be deemed to be existing from the date of the Letters Patent incorporating the same. R.S.O., c. 191, s. 15, *amended*.

Powers inci-
dent to
company.

17. A company having share capital shall possess the following powers as incidental and ancillary to the powers set out in the Letters Patent or Supplementary Letters Patent:—

- (a) To carry on any other business (whether manufacturing or otherwise) which may seem to the company capable of being conveniently carried on in connection with its business or calculated directly or indirectly to enhance the value of or render profitable any of the company's property or rights;
- (b) To acquire or undertake the whole or any part of the business, property and liabilities of any person or company carrying on any business which the company is authorized to carry on, or possessed of property suitable for the purposes of the company;
- (c) To apply for, purchase or otherwise acquire, any patents, licenses, concessions and the like; conferring any exclusive or non-exclusive, or limited right to use, or any secret or other information as to any invention which may seem capable of being used for any of the purposes of the company, or the acquisition of which may seem calculated directly or indirectly to benefit the company, and to use, exercise, develop or grant licenses in respect of, or otherwise turn to account the property, rights or information so acquired;
- (d) To enter into partnership or into any arrangement for sharing of profits, union of interests, co-operation, joint adventure, reciprocal concession or otherwise, with any person or company carrying on or engaged in or about to carry on or engage in any business or transaction which the company is authorized to carry on or engage in, or any business or transaction capable of being conducted so as directly or indirectly to benefit the company; and to lend money to, guarantee the contracts of, or otherwise assist

any such person or company, and to take or otherwise acquire shares and securities of any such company, and to sell, hold, re-issue, with or without guarantee, or otherwise deal with the same;

- (e) To take, or otherwise acquire and hold, shares in any other company having objects altogether or in part similar to those of the company or carrying on any business capable of being conducted so as directly or indirectly to benefit the company;
- (f) To enter into any arrangements with any authorities, municipal, local or otherwise, that may seem conducive to the company's objects, or any of them, and to obtain from any such authority any rights, privileges and concessions which the company may think it desirable to obtain, and to carry out, exercise and comply with any such arrangements, rights, privileges and concessions;
- (g) To establish and support or aid in the establishment and support of associations, institutions, funds, trusts and conveniences calculated to benefit employees or ex-employees of the company (or its predecessors in business) or the dependants or connections, of such persons, and to grant pensions and allowances, and to make payments towards insurance, and to subscribe or guarantee money for charitable or benevolent objects, or for any exhibition or for any public, general or useful object;
- (h) To promote any company or companies for the purpose of acquiring all or any of the property and liabilities of the company, or for any other purpose which may seem directly or indirectly calculated to benefit the company;
- (i) To purchase, take on lease or in exchange, hire or otherwise acquire, any personal property and any rights or privileges which the company may think necessary or convenient for the purposes of its business and in particular any machinery, plant, stock-in-trade;
- (j) To construct, improve, maintain, work, manage, carry out or control any roads, ways, tramways, branches or sidings, bridges, reservoirs, watercourses, wharves, manufactories, warehouses, electric works, shops, stores and other works and conveniences which may

seem calculated directly or indirectly to advance the company's interests, and to contribute to, subsidize or otherwise assist or take part in the construction, improvement, maintenance, working, management, carrying out or control thereof;

- (k) To lend money to customers and others having dealings with the company and to guarantee the performance of contracts by any such persons;
- (l) To draw, make, accept, endorse, discount, execute and issue promissory notes, bills of exchange, bills of lading, warrants, and other negotiable or transferable instruments;
- (m) To sell or dispose of the undertaking of the company or any part thereof for such consideration as the company may think fit, and in particular for shares, debentures or securities of any other company having objects altogether or in part similar to those of the company;
- (n) To adopt such means of making known the products of the company as may seem expedient, and in particular by advertising in the press, by circulars, by purchase and exhibition of works of art or interest, by publication of books and periodicals and by granting prizes, rewards and donations;
- (o) To sell, improve, manage, develop, exchange, lease, dispose of, turn to account or otherwise deal with all or any part of the property and rights of the company;
- (p) To do all or any of the above things as principals, agents, contractors, trustees or otherwise, and either alone or in conjunction with others;
- (q) To do all such other things as are incidental or conducive to the attainment of the above objects;

Provided however, that the powers set out in any or all of the foregoing paragraphs may be withheld by the Letters Patent or Supplementary Letters Patent. *New.*

18. Any corporation incorporated under this Act shall have power—

Seal.

- (a) To alter or change its common seal at pleasure. R.S.O., c. 191, 25 (a);

Buildings, etc.

- (b) To construct, maintain and alter any buildings or works necessary or convenient for the purposes of the corporation. R.S.O., c. 191, 25 (d);

- (c) To acquire by purchase, lease or other title and Real estate.
to hold, use, sell, alienate and convey any real estate necessary for the carrying on of its undertaking, and the corporation shall, upon its incorporation, become and be invested with all the property and rights, real and personal theretofore held by or for it under any trust created with a view to its incorporation. R.S.O., c. 191, s. 25 (g).

19. Unless other special statutory enactments apply, no Restrictions to holding real estate.
parcel of land or interest therein at any time acquired by the corporation and not required for its actual use and occupation or not held by way of security, or not situate within the limits or within one mile of the limits of any city or town, shall be held by the corporation or by any trustee on its behalf, for a longer period than seven years after the acquisition thereof, or after it has ceased to be required for the ordinary purposes of the corporation, but shall be absolutely sold and disposed of, so that the corporation shall no longer retain any interest therein unless by way of security; and any such parcel of land or any interest therein not within the exceptions hereinafter mentioned, held by the corporation for a longer period than seven years, without being disposed of, shall be forfeited to His Majesty for the use of this Province; provided that the Lieutenant-Governor may extend the said period from time to time not exceeding in the whole twelve years; and further provided that no such forfeiture shall take effect or be enforced until the expiration of at least six calendar months after notice in writing to the corporation of the intention of His Majesty to claim such forfeiture, and during such six months the corporation may dispose of the same; and it shall be the duty of the corporation to give the Lieutenant-Governor, when required, a full and correct statement of all lands at the date of such statement held by or in trust for the corporation. R.S.O. c. 191, s. 25, *in part*.

20. The provisions of this Act relating to matters preliminary to the issue of the Letters Patent or Supplementary Letters Patent shall be deemed to be directory only; and no Letters Patent or Supplementary Letters Patent, notice, order or other proceeding by or on behalf of the Lieutenant-Governor, Provincial Secretary or other Government or Departmental officer under this Act shall be held to be void or voidable on account of any irregularity, or otherwise in respect of any matter preliminary to the issue of the Letters Patent or Supplementary Letters Patent, notice, order or other proceeding or of any alterations in any petition or documents submitted in order to Certain informalities not to invalidate letters patent, etc.

make them comply with this Act or with the departmental practice thereunder. R.S.O., c. 191, s. 96.

Forfeiture of
charter for
non-user.

21. If a corporation incorporated by Letters Patent does not go into actual operation within two years after incorporation or for two consecutive years does not use its corporate powers, such powers, except so far as is necessary for the winding up of the corporation, shall be forfeited, and its name in whole or in part may be granted to another corporation, and in any action or proceeding where such non-user is alleged, proof of user shall lie upon the corporation, provided, however, that no such forfeiture shall affect prejudicially the rights of creditors as they exist at the date of such forfeiture. R.S.O., c. 191, s. 98, *amended*.

Revocation of
charter.

22. The Letters Patent by which a corporation is incorporated and any Supplementary Letters Patent amending or varying the same, may, at any time, be declared to be forfeited and may be revoked and made void by an Order of the Lieutenant-Governor on sufficient cause being shown in that behalf, and such forfeiture, revocation and making void may be upon such conditions and subject to such provisions as to the Lieutenant-Governor may seem proper. R.S.O., c. 191, s. 99.

Company with
less than five
members.

23. If a corporation exercises its corporate powers when the number of its shareholders or members is less than five, for a period of six months after the number has been so reduced, every person who is a shareholder or member of the corporation during the time that it so exercised its corporate powers after such period of six months and is cognizant of the fact that it is so exercising its corporate powers with less than five shareholders or members, shall be severally liable for the payment of the whole of the debts of the corporation contracted during such time and may be sued for the same without the joinder in the action or suit of the corporation or of any other shareholder or member, but any shareholder or member who has become aware that the corporation is exercising its corporate powers when the number of its shareholders or members is less than five, may serve a protest in writing on the corporation and may by registered letter notify the Provincial Secretary of such protest having been served and of the facts upon which it is based and such shareholder or member may thereby and not otherwise from the date of his said protest and notification exonerate himself from liability, and if after notice from the Provincial Secretary, the corporation refuses or neglects to bring the number of its shareholders or members up to five such refusal or neglect may, upon the report of the Provincial Secretary, be regarded by the Lieutenant-

Governor as sufficient cause for the revocation of the charter of the corporation. R.S.O., c. 191, s. 100, *amended*.

24. The charter of a corporation incorporated by letters patent may be surrendered if the corporation proves to the satisfaction of the Lieutenant-Governor:— , Surrender of
charter.

- (a) That it has no debts existing or other rights in question, or,
- (b) That it has parted with its property, divided its assets rateably amongst its shareholders or members and has no debts or liabilities, or,
- (c) That the debts and obligations of the corporation have been duly provided for or protected or that the creditors of the corporation or other persons holding them consent;
- (d) And that the corporation has given notice of the application for leave to surrender by publishing the same once in the *Ontario Gazette* and once in a newspaper published at or as near as may be the place where the corporation has its head office, or if it be without share capital where its operations are carried on;

And the Lieutenant-Governor upon a due compliance with the provisions of this section, may accept the charter and direct its cancellation, and may, by his Order, fix a date upon and from which the corporation shall be deemed to be dissolved, and the corporation shall thereby and thereupon become dissolved accordingly. R.S.O., c. 191, s. 101, *amended*.

25. The corporate existence of a corporation incorporated otherwise than by Letters Patent may be terminated by order of the Lieutenant-Governor upon petition therefor by such corporation under like circumstances, in like manner and with like effect as a corporation incorporated by Letters Patent may surrender its charter. *New*. End of
existence of
corporations.

26. The Lieutenant-Governor-in-Council may, from time to time, make regulations with respect to the following matters, namely:—

- (a) The cases in which notice of application for Letters Patent or Supplementary Letters Patent under this Act must be given;
- (b) The forms of Letters Patent, Supplementary Letters Patent, notices and other instruments and documents relating to applications and other proceedings under this Act;
- (c) The form and manner of the giving of any notice required by this Act;

and such regulations shall be published in the *Ontario Gazette*. R.S.O., c. 191, s. 11, *amended*.

PART II.

NAME OF CORPORATION.

Use of word
"Limited."

27.—(1) The corporate name of every company with share capital shall have the word "Limited" as the last word thereof.

(2) Wherever the company or any director, manager, officer or employee thereof uses the name of the company, the word "Limited" shall appear as the last word thereof: Provided, that stamping, writing, printing, or otherwise marking on goods, wares and merchandise of the company, or upon packages containing the same shall not be deemed to be within the provisions of this section: Provided also that where the word "company," "club," "association" or other equivalent word forms part of the said name the word "Limited" may be abbreviated to "Ltd." or "Ld."

Penalty.

(3) Every company and every director, manager, officer or other employee making default in complying with the foregoing provisions of this section shall be liable upon summary conviction to a penalty not exceeding ten dollars for each any every offence: Provided, that the offender upon a subsequent conviction for a similar offence committed after such first conviction shall be liable upon summary conviction to a penalty not exceeding one hundred dollars

Proviso.

Limitation of
prosecutions.

(4) The prosecution or proceeding to recover a penalty for an offence against the foregoing provisions of this section shall be commenced within six months after the offence has been committed and not afterwards. 63 Vic. c. 23, s. 3, *amended*.

Name to be free
from objection

28. The name of every corporation shall not on any public ground be objectionable and shall not be that of any known corporation or association incorporated or unincorporated, or of any partnership or of any individual or any name under which any known business is being carried on, or so nearly resembling the same as to deceive; provided, however, that a subsisting corporation, association, partnership, individual or person may consent that its or his name, in whole or in part, be granted to a new corporation incorporated for the purpose of acquiring its or his business or promoting its objects. R.S.O., c. 191, s. 10 (a), *in part amended*.

Failure to
make annual
returns.

29. The name of a corporation which has not, for three consecutive years, made the annual summary prescribed by this Act, may be given in whole or in part to a new cor-

poration, unless the defaulting corporation, on notice by the Provincial Secretary by registered letter addressed to the corporation or its president as shown by its last return, proves to the satisfaction of the Lieutenant-Governor that it is still a subsisting corporation; provided, that if at the end of one month from the date of such notice, the Provincial Secretary shall not have received from the corporation or its president response to such notice, the corporation may be deemed to be not a subsisting corporation, and no longer entitled to the sole use of its corporate name; and further provided, that when no annual summary has been filed by a corporation for three years immediately following its incorporation its name may be given to another corporation without notice and such corporation shall be deemed not to be subsisting. 1 Edw. VII., c. 18, s. 3, *amended*.

30. In case it is made to appear to the satisfaction of the Lieutenant-Governor that any corporation is incorporated under a name the same as, or so similar to that of an existing corporation, company, partnership, association, individual, or business as to deceive, the Lieutenant-Governor may by Order, change the name of the corporation. R.S.O. c. 191, s. 24, *amended*. Change of name if objectionable.

31.—(1) Where a corporation is desirous of changing its name, the Lieutenant-Governor, upon being satisfied that the corporation is in a solvent condition, and that the change desired is not for any improper purpose, and is not otherwise objectionable, may by Order change the name of the corporation. R.S.O., c. 215, s. 1, *amended*. Applications to Lieutenant-Governor to change names of companies.

(2) In case the proposed name is considered objectionable, the Lieutenant-Governor may change the name of the corporation to some unobjectionable name. R.S.O. c. 215, s. 3, *amended*. In case proposed name is objectionable.

32. Notice of the change of the name of a corporation shall be given by the Provincial Secretary by publication in the *Ontario Gazette*. *New*. Notice of change.

33. No such alteration of name of a corporation shall affect the rights or obligations of the corporation; and all proceedings that might have been continued or commenced by or against the corporation by its former name may be continued or commenced by or against the corporation by its new name. *New*. Rights of creditors preserved.

PART III.

MEETINGS OF COMPANY.

34.—(1) The provisional directors of a company not offering shares for public subscription, shall call a general First meeting.

meeting of the company to be held at a convenient place within two months from the date of the Letters Patent for the purpose of electing directors, appointing auditors, sanctioning the by-laws of the company, and transacting such other business as may be necessary to enable the company to carry on its undertaking, and shall, at least ten days before the day on which such meeting is held, give notice of such meeting by registered letter addressed to each shareholder, setting out in detail the business to be transacted and matters to be considered thereat.

Report at first meeting.

(2) The provisional directors shall report to such meeting the number of shares subscribed or underwritten; the names of the subscribers or underwriters; the amount paid thereon; all contracts entered into by or on behalf of the company; the amount of the preliminary expenses and a financial statement of the affairs of the company signed by the auditors (if any). *New.*

Shareholders may call.

(3) If the said meeting is not called by the provisional directors as aforesaid, any three or more shareholders of the company may call the meeting. R.S.O., c. 191, s. 16, *amended.*

Notice of meeting.

35. In default of other express provisions in such behalf in the special Act the Letters Patent or by-laws of the company, notice of the time and place for holding general meetings of the company, including the annual and special meetings shall be given at least ten days previously thereto by registered letter to each shareholder at his last known address, and by an advertisement in some newspaper published at or as near as may be to the head office and to the chief place of business of the company, if these differ, or in the *Ontario Gazette*. R.S.O., c. 191, s. 50, *amended.*

Annual meeting.

36.—(1) The annual meeting of the shareholders of the company shall be held at such time and place in each year as the Special Act, Letters Patent, or by-laws of the company may provide, and in default of such provisions in that behalf the annual meeting shall be held at the place named in the Letters Patent as the place of the head office of the company, on the fourth Wednesday in January in every year.

(2) At such meeting the directors shall lay before the company,

(a) A balance sheet made up to a date not more than three months before such annual meeting;

(b) A statement of income and expenditure for the financial period ending upon the date of such balance sheet;

(c) The report of the auditor or auditors;

(d) Such further information respecting the company's financial position as the Letters Patent or the by-laws of the company may require;

and on resolution affirmed by shareholders holding at least five per centum of the capital of the company shall furnish a copy thereof to every shareholder personally present at such meeting and demanding the same.

(3) The balance sheet shall be drawn up so as to distinguish at least the following classes of assets and liabilities, namely:—

(a) Cash;

(b) Debts owing to the company from its customers;

(c) Debts owing to the company from its directors, officers and shareholders;

(d) Stock in trade;

(e) Expenditures made on account of future business;

(f) Land, buildings and plant;

(g) Goodwill, franchises, patents and copyrights, trademarks, leases, contracts and licenses;

(h) Debts owing by the company secured by mortgage or other lien upon the property of the company;

(i) Debts owing by the company but not secured;

(k) Amount received on common shares;

(l) Amount received on preferred shares;

(m) Indirect and contingent liabilities.

(New.)

37. The directors may and upon a requisition made in writing by the holders of not less than one-tenth of the subscribed shares of the company shall, convene a special general meeting of the company, to transact the business set out in the notice calling such meeting. R.S.O., c. 191, s. 52, *amended*.

38. Upon the receipt of such requisition, which shall set out the objects for which such meeting is proposed to be called and shall be left at the head office of the company, the directors shall forthwith proceed to convene a special general meeting. If they do not cause the same to be held within twenty-one days from date upon which the requisition was left at the head office of the company, any shareholders, holding not less than one-tenth in value of the subscribed shares of the company whether they signed the re-

quisition or not, may themselves convene such special general meeting. R.S.O. 1897, c. 191, s. 53, 54.

Presiding officer.

39. The president of the company shall preside as chairman at every general meeting of the company; if there is no president or if at any meeting he is not present within fifteen minutes after the time appointed for holding the meeting, the shareholders present shall choose some one of their number to be chairman. R.S.O., c. 191, s. 58, 59.

Chairman to be elected when necessary.

Adjournment by consent.

40. The chairman may with the consent of the meeting and subject to such conditions as the meeting may decide, adjourn any meeting from time to time and from place to place. R.S.O., c. 191, s. 60.

Procedure as to resolution.

41. At any general meeting, unless a poll is demanded, a declaration by the chairman that a resolution has been carried and an entry to that effect in the proceedings of the company, shall be *prima facie* evidence of the fact, without proof of the number or proportion of the votes recorded in favour of or against such resolution. R.S.O. c. 191, s. 61.

Taking vote when poll is demanded.

42. If a poll is demanded, it shall be taken in such manner as the by-laws prescribe, and in case the by-laws make no provision therefor, then as the chairman may direct. In the case of an equality of votes, at any general meeting, the chairman shall be entitled to a second or casting vote. R.S.O., c. 191, s. 62.

Votes.

43. Subject to the Special Act, Letters Patent or by-laws of the company, at all general meetings of the company every shareholder shall be entitled to as many votes as he holds shares in the company, and may vote by proxy, but no shareholder being in arrear in respect of any call shall be entitled to vote at any meeting of the company. R.S.O., c. 191, s. 63, 64, *amended*.

Shareholders in arrear not to vote.

Place of meetings.

44. All meetings of the shareholders and directors shall be held at the place of the head office of the company, save and except when the company is authorized by the Special Acts, Letters Patent or Supplementary Letters Patent, to hold meetings of shareholders or directors out of Ontario.

Application of part.

45. This part of the Act shall apply only to companies having share capital. *New*.

PART IV.

SHARES, CALLS.

46. Every shareholder shall, without payment, be entitled to a certificate under the common seal of the company specifying the share or shares held by him and the amount paid up thereon, provided that in respect of a share or shares held jointly by several persons, the company shall not be bound to issue more than one certificate, and delivery of a certificate for a share to one of several joint holders shall be sufficient delivery to all. *New.* Share certificate.

47. If a share certificate is defaced, lost or destroyed, it may be renewed on payment of such fee, if any, not exceeding twenty-five cents, and on such terms, if any, as to evidence and indemnity as the directors think fit. *New.* Lost certificate

48. The shares of the company shall be deemed personal estate and shall be transferable on the books of the company, in such manner and subject to such conditions and restrictions as by this Act, the special Act, the Letters Patent or by-laws of the company may be prescribed. *R.S.O., c. 191, s. 27.* Shares personal estate.

49. No shareholder of a co-operative cold storage company or association to which aid has been or may hereafter be granted under the provisions of any statute in that behalf, or of a cheese and butter manufacturing company carried on for co-operative purposes, shall hold shares exceeding \$1,000.

50. The directors may refuse to allow the entry in any such books, of any transfer of shares whereof the whole amount has not been paid in; and whenever entry is made in such book of any transfer of shares not fully paid in, to a person being of apparently not sufficient means, the directors present when such entry is authorized shall be jointly and severally liable to the creditors of the company in the same manner and to the same extent as the transferring shareholder, but for such entry, would have been; but if any director present, when such entry is allowed, forthwith enters a written protest against the same, and within eight days thereafter causes such protest to be notified, by registered letter, to the Provincial Secretary, such director may thereby, and not otherwise, exonerate himself from such liability. *R.S.O., c. 191, s. 28.* Directors may refuse transfer of shares in certain cases.

Their liability if they allow transfers to persons without means.

51. The directors, upon the passing of a by-law authorizing the payment of a dividend upon shares of the company, may direct that no entry of transfers shall be made

in books of the company for a period of two weeks immediately preceding the payment of such dividend and payment thereof shall be made to the shareholders of record on the date of closing said books. *New.*

Transfer valid only after entry.

52. No transfer of shares unless made by sale under execution, or under the order or judgment of some competent court in that behalf, shall, until entry thereof has been duly made, be valid for any purpose whatever, save only as exhibiting the rights of the parties thereto toward each other, and as rendering the transferee liable, *ad interim*, jointly and severally with the transferor, to the company and its creditors, until entry thereof has been duly made in the books of the company. R.S.O. c. 191, s. 29.

Transferor may be notified.

53.—(1) The directors may, for the purpose of notifying the person or persons registered therein as owners of such shares, refuse to allow the entry in any such books of a transfer of shares.

(2) Such owner may lodge a caveat against the entry of such transfer, and thereupon such transfer shall not be made for a period of forty-eight hours.

(3) If within one week from the giving of such notice or the expiration of the said period of forty-eight hours, whichever shall last expire, no order shall have been served upon the company enjoining the entry of such transfer, the company may enter the same.

(4) When a transfer is entered after the proceedings heretofore set out the company shall be free from liability in respect of shares so transferred to a person whose rights are purported to be transferred but without prejudice to any claim which the transferor may have against the transferee. *New.*

Restrictions as to transfers.

54. No shares shall be transferable until all previous calls have been fully paid in, or until declared forfeited for non-payment of calls. R.S.O., c. 191, s. 30.

Calling in instalments.

55. The directors of the company may call in and demand from the shareholders thereof, the amount unpaid on shares by them subscribed or held, at such times and places and in such payments or instalments as the Letters Patent or this Act, or the by-laws of the company require or allow; and interest shall accrue at the legal rate for the time being upon the amount of any unpaid call, from the day appointed for payment of such call. R.S.O., c. 191, s. 32.

Forfeiture of shares.

56. If, after a demand therefor, any call is not paid within the time and in the manner provided

by the Special Act or Letters Patent or by-laws the directors, by resolution to that effect, reciting the facts and duly recorded in their minutes, may summarily forfeit any shares whereupon such payment is not made; and the same shall thereupon become the property of the company and may be disposed of, as by by-law or otherwise the company may ordain; provided that such forfeiture shall not relieve any shareholder of any liability to the company or any creditor. R.S.O., c. 191, s. 35, *amended*.

57. A company if authorized so to do by Letters Patent Issue of share warrants. or Supplementary Letters Patent and subject to the provisions thereof, may, with respect to any share which is fully paid up, issue under its common seal a warrant stating that the bearer of the warrant is entitled to the share or shares therein specified, and may provide, by coupons or otherwise, for the payment of the future dividends on the share or shares included in such warrant, hereinafter referred to as a share warrant. *New. Imp. Act, 1867, s. 27.*

58. A share warrant shall entitle the bearer of such war- Holders of share warrants. rant to the shares specified in it and such shares may be transferred by the delivery of the share warrant. *New. Imp. Act, 1862, s. 28.*

59. The bearer of a share warrant shall, subject to the Surrender of share warrants. provisions and regulations contained in the Letters Patent or Supplementary Letters Patent respecting share warrants, be entitled on surrendering such warrant for cancellation, to have his name entered as a shareholder in the register of shareholders, and the company shall be responsible for any loss incurred by any person by reason of the company entering in its register of shareholders the name of any bearer of a share warrant in respect of the shares specified therein without the share warrant being surrendered and cancelled. *New. Imp. Act, 1867, s. 29.*

60. The bearer of a share warrant may, if the regula- Holders of share warrants not to be deemed shareholders for certain purposes. tions respecting share warrants so provide, be deemed to be a shareholder of the company, either to the full extent or for such purposes as may be prescribed by such regulations; provided, that the bearer of a share warrant shall not be qualified in respect of the shares specified in such warrant for being a director of the company in cases where such a qualification is prescribed by the by-laws of the company. *New. Imp. Act, 1867, s. 30.*

61. On the issue of a share warrant in respect of any Entries in register where share warrant issued. share, the company shall strike out of its register of shareholders the name of the shareholder then entered therein as holding such share as if he had ceased to be a shareholder, and shall enter in the register the following particulars:—

(1) The fact of the issue of the warrant;

(2) The statement of the shares included in the warrant, distinguishing each share by its number;

(3) The date of issue of the warrant.

New. Imp. Act, 1867, s. 31.

Entries of share warrants.

62. Until the warrant is surrendered the above particulars shall be deemed to be the particulars which are required by section 113 of this Act, to be entered in the register of shareholders of a company; and on the surrender of a warrant the date of such surrender shall be entered as if it were the date at which a person ceased to be a shareholder. *New. Imp. Act, 1867, s. 32.*

Deposit of share warrants.

63. The bearer of a share warrant may at any time deposit the warrant at the office of the company, and so long as the warrant remains so deposited the depositor shall have the same right of signing a requisition for calling a meeting of the company, and of attending and voting and exercising the other privileges of a member at any meeting held after the expiration of two clear days from the time of deposit, as if his name were inserted in the register of members as the holder of the share included in the deposited warrant. Not more than one person shall be recognized as depositor of the share warrant. The company shall on two days' written notice return the deposited share warrant to the depositor. *Imp. Act, Table A, 38.*

Holders of share warrants not to sign requisition for meetings.

64. Subject as herein otherwise expressly provided no person shall, as a bearer of a share warrant, sign a requisition for calling a meeting of the company, or attend, or vote, or exercise any other privilege of a member at a meeting of the company; or be entitled to receive any notices from the company but the bearer of a share warrant shall be entitled in all other respects to the same privileges and advantages as if he were named in the register of members as the holder of the shares included in the warrant, and he shall be a member of the company. *Imp. Act, Table A, 39.*

Lost share warrant.

65. The directors may from time to time make rules as to the terms on which (if they shall think fit) a new share warrant or coupon may be issued by way of renewal in case of defacement, loss or destruction. *Imp. Act, Table A, 40.*

Trusts.

66. The company shall not be bound to see to the execution of any trust, whether express, implied or constructive, in respect of any share; and the receipt of the shareholder in whose name the same stands on the books of the company shall be a valid and binding discharge to the company for any dividend or money payable in respect of such share, whether or not notice of the trust has been given to

the company; and the company shall not be bound to see to the application of the money paid upon such receipt. R.S.O., c. 191, s. 31.

67.—(1) Every executor, administrator, guardian or trustee shall represent the shares in his hands, at all meetings of the company and may vote accordingly as a shareholder, and every person who mortgages or hypothecates his shares may nevertheless represent the same at all such meetings, and may vote accordingly as a shareholder, unless in the instrument creating the mortgage or hypothecation he shall have expressly empowered the holder of such mortgage or hypothecation to vote thereon in which case only such holder or his proxy may vote in respect of said shares. R.S.O., c. 191, s. 36, *amended*.

Trustees, etc., may vote.

Mortgagor of stock may vote

(2) If shares be held jointly by two or more persons, any one of them present at a meeting may, in the absence of the other or others, vote thereon, but if more than one joint shareholder be present or be represented by proxy, they shall vote together on the shares jointly held. R.S.O. cap. 191, s. 36, *amended*.

Joint holders of stock.

68. Each shareholder, until the whole amount of his shares has been paid up, shall be individually liable to the creditors of the company to an amount equal to that not paid up thereon, but shall not be liable to an action therefor by any creditor before an execution against the company has been returned unsatisfied in whole or in part; and the amount due on such execution, but not beyond the amount so unpaid on his said shares, shall be the amount recoverable, with costs, against such shareholder. R.S.O. c. 191, s. 37, ss. 1.

Liability of shareholders.

69. Any shareholder may plead by way of defence in whole or in part, any set-off which he could set up against the company, except a claim for unpaid dividend, or a salary or allowance as a president or a director of the company. R.S.O., c. 191, s. 37, ss. 2.

Set-off.

70. The shareholders shall not, as such, be held responsible for any act, default or liability whatsoever, of the company, or for any engagement, claim, payment, loss, injury, transaction, matter or thing whatsoever, relating to or connected with the company, beyond the unpaid amount on their respective shares. R.S.O., c. 191, s. 37, ss. 3.

Shareholders not liable beyond unpaid amount.

71. No person holding shares as executor, administrator, guardian or trustee, shall be personally subject to liability as a shareholder; but the estates and funds in the hands of such person shall be liable in like manner and to the same extent as the testator or intestate or the minor, ward, or person, interested in the trust fund, would be, if living and

Trustees not personally liable.

competent to act and holding such shares. R.S.O. cap. 191, s. 38.

Mortgagees.

72. No person holding shares as collateral security shall, prior to foreclosure, be personally subject to liability as a shareholder, but the person transferring such shares as collateral security shall, until foreclosed, be considered as holding the same, and shall be liable as a shareholder in respect thereof. R.S.O., c. 191, s. 39, *amended*.

PART V.

PREFERENCE AND DEBENTURE STOCK, DEBENTURES AND MORTGAGES.

73. The directors of a corporation may make by-laws:—

Borrowing powers.

(a) For borrowing money;

Debentures.

(b) For issuing bonds, debentures, or other securities.

And the directors of companies with share capital may make by-laws:—

Preference shares.

(1) For creating and issuing any part of the capital as preference shares;

Debenture stock.

(2) For creating and issuing debenture stock;

Conversion of preference shares.

(3) For the conversion of preference shares into common shares or debentures or debenture stock, debentures into debenture stock or preference shares, or any class of shares or securities into any other class. R.S.O., c. 191, s. 49, *amended*.

Sanction of by-law.

74. No such by-law shall take effect until it has been confirmed by a vote of not less than two-thirds in value of the shareholders present in person or by proxy at a general meeting of the company, duly called for considering the same, by notice specifying the terms of the law to be confirmed or unanimously sanctioning in writing by the shareholders of the company. *New*.

Terms of issue of preference shares.

75. A by-law for the creation and issue of preference shares or for the conversion of debentures or debenture stock into preference shares may provide that the holders of such shares shall have such preference as regards dividends and repayment on dissolution or winding-up as may be therein set out; may have the right to select a certain stated proportion of the board of directors, or such other control over the affairs of the company as may be considered expedient; or may limit the right of the holders thereof to specific dividends or control of the affairs of the company or otherwise, not contrary to law or to this Act, and may provide for the purchase or redemption of such shares by the company as therein set out; provided, however, that any term or provision of such by-law, whereby the rights

of holders of such shares are limited or restricted, shall be fully set out in the certificate of such shares, and in the event of such limitations and restrictions not being so set out they shall not be deemed to qualify the rights of holders thereof. *New.*

76. Unless preference shares, debenture stock, debentures or bonds are issued subject to redemption or conversion, the same shall not be subject to redemption or conversion without the consent of the holders thereof. *New.* Consent of holders to redemption.

77. No such by-law which has the effect of increasing or decreasing the capital of the company or otherwise varying any term or provision of the special Act or Letters Patent of the company shall be valid or acted upon until confirmed by Supplementary Letters Patent. *New.* Supplementary letters patent in certain cases.

78. The directors may charge, hypothecate, mortgage, or pledge any or all of the real or personal property, rights and powers, undertaking, franchises, including book debts and unpaid calls of the corporation to secure any bonds, debentures or other securities or any liability of the corporation and a duplicate original of such charge, mortgage or other instrument of hypothecation or pledge made to secure bonds, debentures or other securities, shall be forthwith filed in the office of the Provincial Secretary as well as registered under the provisions of any other Act in that behalf. *New.* Mortgages to secure debentures, etc.

PART VI.

DIRECTORS AND THEIR POWERS, ETC.

79. The persons named as provisional directors in the Special Act or in the Letters Patent shall be the directors of the company, until replaced by the same number of others duly elected in their stead, and shall be eligible for election. R.S.O., c. 191, s. 41, *amended.* Provisional directors

80. The affairs of the company shall be managed by a board of not less than three directors, who shall be elected by the shareholders in general meeting of the company. R.S.O., c. 191, s. 40, *amended.* Board of directors.

81.—(1) Except as in this section provided no business of a company shall be transacted by its directors unless at a meeting of directors at which a quorum of the board shall be present. Such quorum shall consist of three directors or a majority of the directors of the company, if such majority numbers more than three. Business must be transacted by quorum of board.

(2) Whenever it shall happen that from any cause there is not a quorum of directors in office the requisition mentioned in section 37 of this Act may be served on such direc-

tors of the company as are still in office, and such directors, though less in number than three, or a majority of the board, may nevertheless call a meeting under section 38 for the election of directors to fill vacancies in the board, and in default of their doing so the requisitionists or other shareholders may call such meeting as in section 38 provided.

(3) This section shall not apply to a sole director remaining in office. If there be no directors remaining in office a meeting to elect directors may be called without service of any requisition.

(4) So long as a quorum of directors remains in office casual vacancies in the board may be filled by such directors as remain in office. *New.*

Executive committee.

82. The shareholders of a company, having more than six directors, may, at a general meeting called for that purpose, by resolution of two-thirds of the shareholders present in person or by proxy, authorize the directors to delegate any of their powers to an executive committee, consisting of not less than three, to be elected by the directors from their number. Any committee so formed shall, in the exercise of the powers so delegated, conform to any regulations that may be imposed on them by such by-law or by the directors. 3 Edw. VII., c. 7, s. 35.

Qualifications of directors.

83. No person shall hold office as a director unless he is a shareholder absolutely in his own right, and not in arrear in respect of any call thereon, and where any person, who is a director, ceases to be a *bona fide* holder of shares, he shall thereupon cease to be a director. R.S.O., c. 191, s. 42.

Yearly elections.

84.—(1) The election of directors shall take place at the annual meeting, all the members of the board retiring, and (if otherwise qualified) being eligible for re-election.

Ballot.

(2) Election of directors shall be by ballot, if demanded.

President and officers.

(3) The directors shall, from time to time, elect from among themselves a president of the company, and shall also appoint, and may remove at pleasure, all other officers thereof. R.S.O., c. 191, s. 43, *amended*.

Failure to elect directors how remedied.

85. If at any time an election of directors is not made, or does not take effect at the proper time, the company shall not be held to be thereby dissolved; but such election may take place at any general meeting of the company duly called for that purpose; and the directors shall continue in office until their successors are duly elected. R.S.O. c. 191, s. 44.

86.—(1) A company may, by by-law, vary the number of its directors, but so that the number shall be not less than three, or may change the company's head office in Ontario. Change by by-law of number of directors or of head office in Ontario.

(2) No by-law for either of the said purposes shall take effect until confirmed by a vote of not less than two-thirds in value of the shareholders present in person or by proxy at a meeting of the company duly called for considering the same, or until a copy of the by-law, certified under the seal of the company, has been published once in the *Ontario Gazette*, and in case of the removal of the head office, twice in a newspaper published in each of the places where the head office was fixed and to where it is to be removed, or as near thereto as may be. R.S.O., c. 191, s. 45, *amended*. Notice.

87. The directors may, from time to time, make by-laws not contrary to law, or to the Letters Patent of the company, or to this Act, to regulate:— By-laws.

- (a) The allotment of shares; the making of calls thereon; the payment thereof; the issue and registration of certificates of shares; the forfeiture of shares for non-payment; the disposal of forfeited stock and of the proceeds thereof; the transfer of shares; Share.
- (b) The declaration and payment of dividends; Dividends.
- (c) The term of service, manner of selection, and the qualification of the directors; Directors' services, etc
- (d) The time at which and place where the meetings of the company shall be held; the calling of meetings of the company; the requirements as to proxies; and the procedure in all things at such meetings; Meetings.
- (e) The imposition and recovery of all penalties, and forfeitures admitting of regulation by by-law, and Fines.
- (f) The conduct in all other particulars of the affairs of the company; Conduct of affairs generally.

And may from time to time repeal, amend or re-enact the same; but every such by-law, and every repeal, amendment or re-enactment thereof, unless in the meantime confirmed at a general meeting of the company duly called for that purpose, shall only have force until the next annual meeting of the company; and in default of confirmation thereat shall, at and from that time only, cease to have force; and in that case no new by-law to the same or the like effect Confirmation of by-laws.

By-laws may
be varied.

or re-enactment thereof, shall have any force until confirmed at a general meeting of the company; provided, however, that the company shall have power either at a general meeting called as aforesaid, or at the annual meeting of the company, to repeal, amend, vary or otherwise deal with any by-laws which have been passed by the directors, but no act done or right acquired under any by-law shall be prejudicially affected by any such repeal, amendment, variation or other dealing. R.S.O., c. 191, s. 47.

Payments to
President or
directors.

88. No by-law for the payment of the president or any director shall be valid or acted upon until the same has been confirmed at a general meeting. 60 V., c. 28, s. 46.

Directors not to
vote on con-
tracts in which
they have a
personal
interest, etc.

89. No director of any company shall at any directors' meeting vote in respect of any contract or arrangement made or proposed to be entered into with the company in which he is interested either as vendor, purchaser or otherwise, and any director who may be in any way interested in any contract or arrangement proposed to be made with the company shall disclose the nature of his interest at the meeting of the directors at which such contract or arrangement is determined on, if his interest then exists, or in any other case at the first meeting of the directors after the acquisition of his interest, and in case he discloses the nature of his interest, and refrains from voting, he shall not be accountable to the company by reason of the fiduciary relationship existing for any profit realized by such contract or arrangement; provided, however, that no director shall be deemed to be in any way interested in any contract or arrangement, nor shall he be disqualified from voting or be held liable to account to the company by reason of his holding shares or being a director in any other company with which a contract or arrangement is made or contemplated; provided, also, that this section shall not apply to any contract by or on behalf of a company to give the directors or any of them security by way of indemnity. 2 Edw. VII., c. 24, s. 1.

Proviso.

Not to pur-
chase shares of
in other cor-
porations.

90. The company shall not, unless authorized by the special Act, Letters Patent or Supplementary Letters Patent, use any of its funds in the purchase of shares of any other corporation until the directors have been expressly authorized by a by-law passed by them for the purpose and confirmed by a vote of not less than two-thirds in value of those shareholders present in person or by proxy at a general meeting of the company duly called for considering the same. R.S.O., c. 191, s. 82, as amended by 1 Edw. VII., c. 18, s. 2.

Liability of
directors de-
claring a

91. The directors of the company shall not declare or pay any dividend when the company is insolvent, or any

dividend the payment of which renders the company insolvent, or diminishes the capital thereof; but if any director present when such dividend is declared, forthwith, or if any director then absent, within twenty-four hours after he has become aware thereof, and able so to do, enters his written protest against the same, and within eight days thereafter causes such protest to be notified, by registered letter, to the Provincial Secretary, such director may thereby, and not otherwise, exonerate himself from liability. dividend when company is insolvent, etc. How a director may void such liability. R.S.O., c. 191, s. 83.

92. For the amount of any dividend which the directors may lawfully declare payable in money, they may declare a stock dividend and issue therefor shares of the company as fully paid or partly paid, as the case may be, or may credit the amount of such dividend on the shares of the company already issued but not fully paid and the liability of the holders of all shares mentioned in this section shall be reduced by the amount of such dividend. *New.* Stock dividends.

93. No loan shall be made by the company to any shareholder, and if such loan is made all directors and other officers of the company making the same and in any wise assenting thereto, shall be jointly and severally liable to the company for the amount thereof, and also to third parties to the extent of such loan with legal interest, for all debts of the company contracted from the time of the making of the loan to that of the repayment thereof. R.S.O. c. 191, s. 84. No loan by company to Shareholders.

94. The directors of the company shall be jointly and severally liable to the labourers, servants, and apprentices thereof for all debts not exceeding one year's wages due for services performed for the company while they are such directors respectively; but no director shall be liable to an action therefor, unless the company has been sued therefor within one year after the debt became due, nor yet unless such director is sued therefor within one year from the time when he ceased to be such director, nor before an execution against the company has been returned unsatisfied in whole or in part; and the amount due on such execution shall be the amount recoverable with costs against the directors. R.S.O., c. 191, s. 85. Liability of directors for wages.

PART VII.

PROSPECTUS AND DIRECTORS' LIABILITY.

95.—(1) In this Act the word "prospectus" shall mean any prospectus, notice, circular, advertisement or other invitation offering for subscription or purchase any shares, "Prospectus," meaning of.

debentures or other securities of a company, or published or issued for the purpose of being used to promote or aid in the subscription or purchase of such shares, debentures or securities, and the word "company" shall mean any company incorporated or proposed to be incorporated. *Imp. Act, 1900, 30.*

Application of this part.

(2) This part of this Act shall apply to every company whether formed before or after the commencement of this Act which offers for subscription or sale shares, debentures or other securities and to every company whether incorporated under the laws of the Province of Ontario or otherwise, the shares, debentures or other securities of which are dealt in within the Province of Ontario.

Commissions

96.—(1) Upon any offer of shares to the public for subscription, it shall be lawful for a company to pay a commission to any person in consideration of his subscribing or agreeing to subscribe, whether absolutely or conditionally, for any shares in the company, or procuring or agreeing to procure subscriptions, whether absolute or conditional, for any shares in the company, if the payment of the commission and the amount or rate per cent. of the commission paid or agreed to be paid are respectively authorized by the letters patent or supplementary letters patent and disclosed in the prospectus, and the commission paid or agreed to be paid does not exceed the amount or rate so authorized.

Capital not to be applied in paying commissions except as authorized.

(2) Save as aforesaid, no company shall apply any of its shares or capital money either directly or indirectly in payment of any commission, discount or allowance, to any person in consideration of his subscribing or agreeing to subscribe, whether absolutely or conditionally, for any shares of the company or procuring or agreeing to procure subscriptions whether absolute or conditional, for any shares in the company, whether the shares or money be so applied by being added to the purchase money of any property acquired by the company or to the contract price of any work to be executed for the company, or the money be paid out of the nominal purchase money or contract price, or otherwise.

Brokerage may be paid.

(3) Nothing in this section shall affect the power of any company to pay such brokerage as it has heretofore been lawful for a company to pay. *Imp. 1900, s. 8.*

What companies must file prospectuses.

97.—(1) Every company heretofore or hereafter incorporated under any general or special Act, the number of shareholders of which is increased to a number greater by ten than the number of applicants for incorporation or which has its debentures or other securities held by more than ten persons, and every company incorporated otherwise than as above set out which has more than ten share-

holders or holders of debentures or other securities within Ontario, shall file a prospectus in the manner hereafter set out.

(2) All purchases, subscriptions or other acquisitions of shares, debentures or other securities of any company required in the manner above provided to fyle a prospectus, shall be deemed as against the company or the signatories to the prospectus to be induced by such prospectus, and any term, proviso or condition of such prospectus to the contrary shall be void.

(3) No subscription for stock, debentures or other securities, induced or obtained by verbal representations, shall be binding upon the subscriber, unless prior to his so subscribing he shall have received a copy of the prospectus.

98.—(1) Every prospectus issued by or on behalf of a company or in relation to any intended company shall be dated, and that date shall, unless the contrary be proved, be taken as the date of publication of the prospectus. Date of prospectus.

(2) A copy of every such prospectus shall be signed by every person who is named therein as a director or proposed director or provisional director of the company, or by his agent authorized in writing, and shall be filed with the Provincial Secretary, on or before the date of its publication. Prospectus to be signed and filed.

(3) The Provincial Secretary shall not receive or fyle any prospectus unless it is so dated and signed. No prospectus shall be issued until so filed, and every prospectus shall state on the face of it that it has been so filed. *Imp. Act, 1900, 9.* Not to be issued until filed.

99.—(1) Every prospectus issued by or on behalf of a company or in relation to any intended company or by or on behalf of any person who is or has been engaged or interested in the formation or promotion of the company, shall state:— What to be disclosed in prospectus.

- (a) The names, descriptions and addresses of the original incorporators, and the number of shares subscribed for by them respectively; Particulars as to incorporators.
- (b) The number of shares, if any, fixed as the qualification of a director, and any provision in the by-laws of the company as to the remuneration of the directors; Qualification and remuneration of directors.
- (c) The names, descriptions and addresses of the directors or proposed directors; Directors.
- (d) The minimum subscription on which the directors may proceed to allotment, and the amount payable on application and allotment on each share; and, in the case of a second or subsequent offer Subscription upon which allotment may proceed.

of shares, the amount offered for subscription on each previous allotment, and the amount actually allotted;

Time of calls.

- (e) The time or times at which under the by-laws of the company a further call or calls may be made upon shares subscribed for;

Shares and bonds allotted for other than cash consideration.

- (f) The number and amount of shares issued, or agreed to be issued, as fully or partly paid up otherwise than in cash, and in the latter case the extent to which they are so paid up, and the number and amount of bonds, debentures or other securities issued or to be issued and allotted to any person;

Vendors of property to company.

- (g) The names and addresses of the vendors of any property purchased or acquired by the company, or proposed so to be purchased or acquired, which is to be paid for wholly or partly out of the proceeds of the issue offered for subscription by the prospectus, or the purchase or acquisition of which has not been completed at the date of publication of the prospectus and the amount payable in cash, shares, bonds, debentures or other securities to the vendor, and where there is more than one separate vendor, or the company is a sub-purchaser, the amount so payable to each vendor;

Consideration for purchase

- (h) The amount (if any) paid or payable as purchase money in cash, shares or debentures of any such property as aforesaid, specifying the amount payable for good-will;

Commissions.

- (i) The amount (if any) paid or payable as commission for subscribing, or agreeing to subscribe, or procuring or agreeing to procure subscriptions for any shares in the company, or for underwriting or procuring underwriting of any securities issued or to be issued by the company or the rate of any such commission;

Preliminary expenses.

- (j) The amount or estimated amount of preliminary expenses;

Promoter's remuneration.

- (k) The amount paid or intended to be paid in cash shares or debentures to any promoter and the consideration for any such payment;

Particulars as to material contracts.

- (l) The dates of and parties to every material contract, and a reasonable time and place at which any material contract or a copy thereof may be inspected; provided that this requirement shall not apply to a contract entered into in the

ordinary course of the business carried on or intended to be carried on by the company, or to any contract entered into more than three years before the date of publication of the prospectus;

- (m) The names and addresses of the auditors (if any) Names, etc., of auditors. of the company;
- (n) Full particulars of the nature and extent of the interest (if any) of every director in the promotion of or in the property proposed to be acquired by the company, with a statement of all sums paid or agreed to be paid to him in cash or shares by any person either to qualify him as a director or otherwise for services rendered by him in connection with the formation of the company. Interest of directors in property taken by company.

(2) For the purposes of this section the word "vendor" shall extend to and include a vendor who has entered into any contract, absolute or conditional, for the sale or purchase or for any option of purchase, of any property to be acquired by the company in any case where— "Vendor," what to include.

- (a) The purchase money is not fully paid at the date of publication of the prospectus; or
- (b) The purchase money is to be paid or satisfied wholly or in part out of the proceeds of the issue offered for subscription by the prospectus; or
- (c) The contract depends for its validity or fulfilment on the result of such issue.

(3) Where any of the property to be acquired by the company is to be taken on lease, this section shall apply as if the expression "vendor" included the lessor, and the expression "purchase money" included the consideration for the lease and the rent, and the expression "sub-purchaser" included a sub-lessee. When "vendor" includes "lessor."

(4) This section shall not apply to a circular or notice inviting existing shareholders or debenture holders of a company to subscribe for further shares or debentures; but subject as aforesaid, this section shall apply to any prospectus whether issued on or with reference to the formation of a company or subsequently; provided that— Application of section.

- (a) The requirements as to the original incorporators and the qualification, remuneration, and interest of directors, the names, descriptions and addresses of directors or proposed directors, and the amount or estimated amount of preliminary expenses, shall not apply in the case of a pro-

spectus published more than one year after the date of the first general meeting, and

- (b) In the case of a prospectus published more than one year after the date of such meeting, the obligation to disclose all material contracts shall be limited to a period of two years immediately preceding the publication of the prospectus.

Waiver of compliance with section to be void.

(5) Any condition requiring or binding any applicant for shares or debentures to waive compliance with any requirement of this section, or purporting to affect him with notice of any contract, document or matter not specifically referred to in the prospectus shall be void.

When prospectus advertised in newspaper.

(6) Where any such prospectus as is mentioned in this section is published as a newspaper advertisement, it shall not be necessary to specify the names of original incorporators and the number of shares subscribed for by them. *Imp. Act, 1900, 10.*

Penalty.

100.—(1) Every provisional director, director or other person responsible for the issue and publication of such prospectus shall for every violation of the provisions of the next preceding three sections be liable on summary conviction to a penalty not exceeding \$200 and costs, provided that no provisional director, director or other person shall incur any liability by reason of non-compliance with the said sections.

- (a) As regards any matter not disclosed, if he was not cognizant thereof; or
(b) if the non-compliance arose from an honest mistake of fact on his part,

And provided that in the event of non-compliance with the requirements contained in paragraph (n) of subsection (1) of section 5, no director or other person shall incur any liability in respect of such non-compliance unless it is proved that he had knowledge of the matters not disclosed.

Liability under general law not affected.

(2) Nothing in this section or the said preceding three sections shall limit or diminish any liability which any person may incur under the general law apart from this Act. *Imp. Act, 1900, 10 (7).*

Capital to be correctly stated in advertisements, etc.

101.—(1) Where any advertisement, letter head, account or document issued or published by any corporation or any officer, agent or employee, of any such corporation, purports to state the capital of the corporation, then the capital actually and in good faith subscribed and no more shall be so stated.

Penalty.

(2) Any such corporation, officer, agent or employee who causes to be inserted an advertisement or who publishes,

issues or causes to be published or issued any advertisement, letter-head, account or document which states, as the capital of such corporation any larger sum than the amount of such subscribed capital so actually and in good faith subscribed as aforesaid, or which contains any false statement as to the incorporation, control, supervision, management or financial standing of such corporation shall be liable, upon summary conviction, to a penalty not exceeding \$200 and costs and not less than \$50 and costs.

(3) Any one may be prosecutor or complainant under this Act, and one-half of any fine imposed by virtue of this Act, shall, when received, belong to His Majesty for the use of the Province and the other half shall belong to the prosecutor or complainant. R.S.O., c. 217.

Who may
prosecute.—
Application of
penalty.

102.—(1) Where after the passing of this Act a prospectus or notice invites persons to subscribe for shares in, or debentures or debenture stock or other security of, a company, every person who is a director of the company at the time of the issue of the prospectus or notice, and every person who having authorized such naming of him is named in the prospectus or notice as a director of the company or as having agreed to become a director of the company either immediately or after an interval of time, and every promoter of the company and every person who has authorized the issue of the prospectus or notice, shall be liable to pay compensation to all persons who shall subscribe for any shares, debentures or debenture stock or other security on the faith of such prospectus or notice for the loss or damage they may have sustained by reason of any untrue statement in the prospectus or notice, or in any report or memorandum appearing on the face thereof, or by reference incorporated therein or issued therewith, unless it is proved that having consented to become a director of the company he withdrew his consent before the issue of the prospectus or notice, and that the prospectus or notice was issued without his authority or consent, or that the prospectus or notice was issued without his knowledge or consent, and that on becoming aware of its issue he forthwith gave reasonable public notice that it was so issued without his knowledge or consent, or that after the issue of such prospectus or notice and before allotment thereunder, he, on becoming aware of any untrue statement therein, withdrew his consent thereto, and caused reasonable public notice of such withdrawal and of the reason therefor to be given. Imp. Act, 1896, sec. 3 (1).

Liability for
statements in
prospectus.

(2) A promoter in this section means a promoter who was a party to the preparation of the prospectus or notice, or of the portion thereof containing such untrue statement, but shall not include any person by reason of his acting *solely*

in a professional capacity for persons engaged in procuring the formation of the company. Imp. Act, 1890, sec. 3 (2).

Statements in prospectus for raising further capital.

103. Where any company, which has issued shares or debentures or other securities, shall be desirous of obtaining further capital by subscriptions for shares or debentures or other securities, and for that purpose shall issue a prospectus or notice, no director of such company shall be liable in respect of any statement therein, unless he shall have authorized the issue of such prospectus or notice, or have adopted or ratified the same. Imp. Act, 1890, sec. 3 (3).

Indemnity where name of person has been improperly inserted.

194. Where any such prospectus or notice as aforesaid contains the name of a person as a director of a company, or as having agreed to become a director thereof, and such person has not consented to become a director, or has withdrawn his consent before the issue of such prospectus or notice, and has not authorized or consented to the issue thereof, the directors of the company (except any without whose knowledge or consent the prospectus or notice was issued) and any other person who authorized the issue of such prospectus or notice shall be liable to indemnify the person named as director of the company, or as having agreed to become a director thereof as aforesaid, against all damages, costs, charges and expenses to which he may be made liable by reason of his name having been inserted in the prospectus or notice, or in defending himself against any action or legal proceedings brought against him in respect thereof. 54 V. c. 34, s. 5. 60 V. c. 3, s. 3; c. 28, s. 95 (3). Imp. Act, 1890, 4.

Contribution from co-director.

105. Every person who by reason of his being a director, or named as a director, or as having agreed to become a director, or of his having authorized the issue of the prospectus or notice, has become liable to make any payment under the provisions of this Act, shall be entitled to recover contribution, as in cases of contract from any other person who, if sued separately, would have been liable to make the same payment. 54 V. c. 34, s. 6; 60 V. c. 3, s. 3; c. 28, s. 95 (4). Imp. Act, 1890, 5.

PART VIII.

COMPANIES OFFERING SHARES FOR PUBLIC SUBSCRIPTION.

Restrictions on allotment. Imp. 1904, s. 4.

106.—(1) No allotment shall be made of any share capital by a company offering shares for public subscription, unless the following conditions have been complied with, namely:

- (a) The amount (if any) named in the prospectus as the minimum subscription upon which the directors may proceed to allotment; or,
- (b) If no amount is so fixed and named, then the whole amount of the share capital so offered for subscription

has been subscribed, and the sum payable on application for the amount so fixed and named, or for the whole amount offered for subscription has been paid to and received by the company.

(2) The amount so fixed and named and the whole amount aforesaid shall be reckoned exclusively of any amount payable otherwise than in cash, and is in this Act referred to as the minimum subscription.

(3) The amount payable on application on each share shall not be less than five per cent. of the nominal amount of the share.

(4) If the conditions aforesaid have not been complied with on the expiration of ninety days after the first issue of the prospectus, all money received from applicants for shares shall be forthwith repaid to the applicants without interest, and if any such money is not so repaid within one hundred days after the issue of the prospectus, the directors of the company shall be jointly and severally liable to repay that money with interest at the rate of five per centum per annum from the expiration of the ninety days; provided that a director shall not be liable if he proves that the loss of the money was not due to any misconduct or negligence on his part; Provided, however, that the Provincial Secretary may from time to time extend the times herein limited.

(5) Any condition requiring or binding any applicant for shares to waive compliance with any requirement of this section shall be void.

(6) This section, except subsection (3) thereof, shall not apply to any allotment of shares subsequent to the first allotment of shares offered to the public for subscription. *Imp. Act, 1900, 4.*

107.—(1) An allotment made by a company to an applicant in contravention of the foregoing provisions of this part of this Act shall be voidable at the instance of the applicant within one month after the holding of the statutory meeting of the company, and not later, and shall be so voidable notwithstanding that the company is in course of being wound up.

Effect of irregular allotment.
Imp. 1904, s. 5.

(2) If any director of a company knowingly contravenes or permits or authorizes the contravention of any of the foregoing provisions of this part of this Act with respect to allotment he shall be liable to compensate the company and the allottee respectively for any loss, damages or costs which the company or the allottee may have sustained or incurred thereby; provided that proceedings to recover such loss, damage or costs shall not be commenced after the expiration of two years from the date of the allotment. *Imp. Act, 1900, 5.*

Restrictions on
commence-
ment of busi-
ness. *Imp.*
1900, s. 6.

108.—(1) A company shall not commence any business or exercise any borrowing powers unless:

- (a) Shares held, subject to the payment of the whole amount thereof in cash, have been allotted to an amount not less in the whole than the minimum subscription; and
- (b) Every director of the company has paid to the company on each of the shares taken or contracted to be taken by him, and for which he is liable to pay in cash, a proportion equal to the proportion payable on application and allotment on the shares offered for public subscription; and
- (c) There has been filed with the Provincial Secretary a statutory declaration by the secretary or one of the directors, in the prescribed form, that the aforesaid conditions have been complied with.

(2) The Provincial Secretary may, on the filing of this statutory declaration, certify that the company is entitled to commence business, and that certificate shall be conclusive evidence that the company is so entitled; Provided, however, that upon it being shewn that such certificate was made upon any false statement or upon the withholding of any material statement, the Provincial Secretary may cancel and annul such certificate.

(3) Any contract made by a company before the date at which it is entitled to commence business shall be provisional only, and shall not be binding on the company until that date, and on that date it shall become binding.

(4) Nothing in this section shall prevent the simultaneous offer for subscription of any shares and debentures or the receipt of any application.

(5) If any company commences business or exercises borrowing powers in contravention of this section every person who is responsible for the contravention shall, without prejudice to any other liability, be liable on summary conviction to a fine not exceeding fifty dollars for every day during which the contravention continues.

109. All sums received by the company or by any promoter, director, officer or agent thereof shall be held in trust by the company or such promoter, director, officer or agent until the same may be deposited in a chartered bank to the credit of the company and shall there remain in trust until the issue of the aforesaid certificate by the Provincial Secretary. *New.*

Monies to be held in trust.

110.—(1) Whenever a company makes any allotment of its shares the company shall, within one month thereafter, file with the Provincial Secretary :

Return of allotments.

(a) A return of the allotments, stating the number and nominal amount of the shares comprised in the allotment, the names, addresses and descriptions of the allottees, and the amount (if any) paid or due and payable on each share; and

(b) In the case of shares allotted in whole or in part for a consideration other than cash, a contract in writing constituting the title of the allottee to such allotment, together with any contract of sale, or for services or other consideration in respect of which such allotment was made and a return stating the number and nominal amount of shares so allotted, the extent to which they are to be treated as paid up, and the consideration for which they have been allotted.

(2) If default is made in complying with the requirements of this section every director, manager, secretary or other officer of the company who is, knowingly, a party to the default, shall be liable upon summary conviction to a fine not exceeding fifty dollars for every day during which the default continues. *Imp. Act, 1900, 7.*

111.—(1) Every company shall, within a period of not less than one month nor more than three months from the date at which the company is entitled to commence business, hold a general meeting of the shareholders of the company, which shall be called the statutory meeting.

Statutory meetings.

(2) The directors shall, at least ten days before the day on which the meeting is held, forward to every shareholder of the company a report certified by not less than two directors of the company, stating :

(a) The total number of shares allotted, distinguishing shares allotted as fully or partly paid up otherwise than in cash, and stating in the case of shares partly paid up the extent to which they are so paid up, and in either case the consideration for which they have been allotted;

- (b) The total amount of cash received by the company in respect of such shares, distinguished as aforesaid;
 - (c) An abstract of the receipts and payments of the company on capital account to the date of the report, and an account or estimate of the preliminary expenses of the company;
 - (d) The names, addresses and descriptions of the directors, auditors (if any), manager (if any), and secretary of the company; and
 - (e) The particulars of any contract, the modification of which is to be submitted to the meeting for its approval, together with the particulars of the modification or proposed modification.
- (3) The report shall, so far as it relates to the shares allotted by the company, and to the cash received in respect of such shares, and to the receipts and payments of the company on capital account, be certified as correct by the auditors, if any, of the company.
- (4) The directors shall cause a copy of the report, certified as by this section required, to be filed with the Provincial Secretary forthwith after the sending thereof to the members of the company.
- (5) The directors shall cause a list showing the names, descriptions and addresses of the shareholders of the company, and the number of shares held by them, respectively, to be produced at the commencement of the meeting, and to remain open and accessible to any shareholder of the company during the continuance of the meeting.
- (6) The shareholders of the company present at the meeting shall be at liberty to discuss any matter relating to the formation of the company, or arising out of the report, whether previous notice has been given or not, but no resolution of which notice has not been duly given may be passed.
- (7) The meeting may adjourn from time to time, and at any such adjourned meeting any resolution of which notice has been duly given, either before or subsequently to the former meeting, may be passed, and the adjourned meeting shall have the same powers as an original meeting.
- (8) If default is made in filing such report as aforesaid or in holding the statutory meeting, then at the expiration of fourteen days after the last day on which the meeting ought to have been held any shareholder may petition the Court for the winding up of the company in the manner hereinafter provided in that behalf, and, upon the hearing of the petition, the Court may either direct that the

company be wound up or give directions for the report being filed or a meeting being held, or make such other order as may be just, and may order that the costs of the petition be paid by any persons who, in the opinion of the Court, are responsible for the default. Imp. Act, 1900, 12.

112. This part of this Act shall apply to all companies offering shares for public subscription and shall not apply to a company incorporated before the commencement of this Act. Application of this part.

PART IX.

BOOKS, INSPECTIONS AND AUDITORS.

113. The corporation shall cause the secretary, or some other officer especially charged with that duty, to keep a book or books wherein shall be kept recorded:— Record books to be kept and what to contain.

- (a) A copy of the Letters Patent incorporating the corporation and of any Supplementary Letters Patent issued to the corporation and if incorporated by Special Act, a copy of such Act;
- (b) The names, alphabetically arranged, of all persons who are or have been shareholders or members of the corporations;
- (c) The post office address and calling of every such person while such shareholder or member;
- (d) The names, post office addresses and callings of all persons who are or have been directors of the corporation, with the several dates at which each person became or ceased to be such director.

And in cases of companies having share capital—

- (e) The number of shares held by each shareholder;
- (f) The amounts paid in, and remaining unpaid, respectively, on the shares of each shareholder;
- (g) The date and other particulars of all transfers of shares in their order. R.S.O., c. 191, s. 71.

114. The books referred to in the preceding section as well as those referred to in section 120 shall be kept at the head office of the company within the province, whether the company is permitted to hold its meetings out of Ontario or not. Any director, officer or employee of a company who shall remove or assist in removing such books from Ontario or who shall act contrary to the provisions Books to be kept at head office.

Proviso.

of this section shall be liable on summary conviction to a penalty of \$200; Provided, however, that upon necessity therefor being shewn and adequate assurance being given that such books may be inspected within Ontario by any person entitled thereto after application for such inspection to the Provincial Secretary, the Lieutenant-Governor in Council may relieve any company permitted to hold its meetings out of Ontario from the provisions of this section upon such terms as may be fit. *New.*

Penalty for false entries.

115. No director, officer or servant of the corporation shall knowingly make or assist to make any untrue entry in any book or books of the company, or shall refuse or neglect to make any proper entry therein; and any person violating wilfully the provisions of this section shall, besides any criminal liability which he may thereby incur, be liable in damages for all loss or injury which any person interested may have sustained thereby. R.S.O. 1897, cap. 191, s. 72.

Powers of Judge as to entries in, omissions from and rectification of books.

116.—(1) If the name of any person is without sufficient cause, entered in or omitted from such book or books of the corporation, or if default is made or unnecessary delay takes place in entering in said books the fact of any person having ceased to be a shareholder or member of the corporation, the person or shareholder or member aggrieved, or any shareholder or member of the corporation, or the corporation itself may apply to a Judge of the High Court of Justice for an order that the book or books be rectified, and the Judge may either refuse such application or he may make an order for the rectification of the said book or books, and may direct the corporation to pay the costs of such motion or application and any damages the party aggrieved may have sustained. The Judge may in any proceeding under this section, decide on any question relating to the title of any person who is a party to such proceeding to have his name entered in or omitted from the said books of the corporation whether such question arises between two or more shareholders, or alleged shareholders or members, or between any shareholders or alleged shareholders or members and the corporation, and the Judge may in any such proceeding decide any question which it may be necessary or expedient to decide for the rectification of the said books.

Decision as to title.

(2) The Judge may direct an issue to be tried in which any question of law may be raised.

Appeal.

(3) An appeal shall lie from the decision of such Judge as if the same had been given in an action.

(4) This section shall not deprive any Court of any jurisdiction it may have. R.S.O., c. 191, s. 73.

(5) The costs of any proceeding under this section shall be in the discretion of the Judge.

117. The books referred to in section 113 shall during reasonable business hours of every day, except Sundays and holidays, be kept open for the inspection of shareholders, members and creditors of the corporation and their personal representatives or agents, at the head office or chief place of carrying on its undertaking, and every such shareholder, member, creditor, agent or representative, may make extracts therefrom. R.S.O., c. 191, s. 74. Books to be open for inspection.

118. Any director or officer who refuses to permit any person entitled thereto to inspect such book or books, or make extracts therefrom, shall be liable upon summary conviction to a penalty of \$100. R.S.O., c. 191, s. 75, *amended*. Liability for refusal to allow inspection of books.

119. Such books shall be *prima facie* evidence of all facts purporting to be thereby stated, in any action or proceeding against the corporation or against any shareholder or member. R.S.O., c. 191, s. 76. Books to be prima facie evidence.

120. The directors shall cause proper books of account to be kept containing full and true statements:— Books of account to be kept.

(a) Of the financial transactions of the corporation;

(b) Of the assets of the corporation;

(c) Of the sums of money received and expended by the corporation, and the matters in respect of which such receipt or expenditure takes place, and

(d) Of the credits and liabilities of the corporation; and also a book or books containing minutes of all the proceedings and votes of the corporation, or of the board of directors, respectively, and the by-laws of the corporation, duly authenticated, and such minutes shall be verified by the signature of the president, or other presiding officer of the corporation. R.S.O., c. 191, s. 77.

121. If any person in any return, report, certificate, balance-sheet or other document required by or for the purposes of this Act, wilfully makes a statement false in any material particular he shall be liable on summary conviction to imprisonment not exceeding three months, with or without hard labour, and to a fine of \$100 in lieu of or in addition to such imprisonment as aforesaid. R.S.O., c. 191, s. 97, *amended*. False returns, etc.

122.—(1) Upon an application by not less than one-fifth in value of the shareholders of a company, or one- The Court may appoint an inspector.

fifth in number of the members of a corporation without share capital, a Judge of the High Court of Justice may appoint an inspector to investigate the affairs and management of the corporation. Such inspector shall report thereon to the Judge, and the expense of such investigation shall, in the discretion of the Judge, be defrayed by the corporation or by the applicants, or partly by the corporation and partly by the applicants, as he may order, and he may require the applicants to give security to cover the probable cost of the investigation, and he may make rules and prescribe the manner in which and the extent to which the investigation shall be conducted; or the Judge may examine the officers or directors of the company under oath as to matters that shall come in question.

Examination
by company.

(2) A corporation may by resolution passed at the annual meeting, or at a special general meeting called for the purpose, appoint an inspector to examine into the affairs of the corporation. The inspector so appointed shall have the same powers and perform the same duties as an inspector appointed by a Judge of the High Court of Justice, and he shall make his report in such manner and to such persons as the corporation by said resolution directs.

Powers and
duties of
inspector.

Production of
books and
documents.

Examination
on oath.

Penalty for
non-produce-
tion.

(3) It shall be the duty of all officers and agents of the corporation to produce for the examination of any such inspector all books and documents in their custody or power. Any such inspector may examine upon oath the officers and agents of the corporation in relation to its business, and may administer such oath accordingly. If any officer or agent refuses to produce any book or document hereby directed to be produced, or to answer any question relating to the affairs of the corporation, he shall upon summary conviction be liable to a fine not exceeding \$20, in respect of each offence. R.S.O., c. 191, s. 80, *amended*.

Accounts shall
be audited.

123. The accounts of the corporation shall be examined once at least in every year, and the correctness of the balance-sheet shall be ascertained by an auditor or auditors. R.S.O., c. 191, s. 87, *amended*.

First auditors.

124. The first auditors of the corporation may be appointed by the directors before the first meeting of the shareholders or members, and the auditors so appointed shall hold office until the first general meeting. *New*. Imp. Act 1900, s. 21, ss. 4.

Appointment
of auditors.

125. Thereafter the auditors shall be appointed by resolution at a general meeting of the corporation; they shall hold office until the next annual meeting unless previously removed by a resolution of the shareholders or members in general meeting. R.S.O., c. 191, s. 88, *amended*.

126. The said auditors may be shareholders or members of the corporation, but no person shall be eligible as an auditor who is interested, otherwise than as a shareholder or member, in any transaction of the corporation, and no director or other officer of the corporation shall be eligible during his continuance in office. R.S.O., c. 191, s. 89. Auditors may be shareholders.

127. If an appointment of auditors is not made at an annual meeting, the Provincial Secretary may, on the application of any member or shareholder of the corporation, appoint an auditor of the corporation for the current year, and fix the remuneration (if any) to be paid to him by the corporation for his services. *New.* Provincial Secretary may appoint.

128. The directors of a corporation may fill any casual vacancy in the office of auditor, but while any such vacancy continues the surviving or continuing auditor or auditors (if any) may act, and any auditor shall be eligible for re-appointment. *New.* Imp. Act 1900, s. 21, ss. 5. Directors may fill vacancies.

129. The remuneration of the auditors of a corporation shall be fixed by the corporation in general meeting, except that the remuneration of any auditors appointed before the first general meeting or to fill any casual vacancy may be fixed by the directors. *New.* Imp. Act 1900, s. 22. Remuneration of auditors.

130. Every auditor of a corporation shall have the right of access at all times to the books, accounts and vouchers of the corporation, and shall be entitled to require from the directors and officers of the corporation such information and explanation as may be necessary for the performance of his duties, and the auditors shall sign a certificate at the foot of the balance sheet stating whether or not their requirements as auditors have been complied with and shall make a report to the shareholders or members on the accounts examined by them, and on every balance sheet laid before the corporation in general meeting during their tenure of office; and in every such report shall state whether, in their opinion, the balance sheet referred to in the report is properly drawn up so as to exhibit a true and correct view of the state of the corporation's affairs as shown by the books of the corporation; and such report shall be read before the corporation in general meeting. *New.* Imp. Act 1900, s. 23. Rights and duties of auditors.

PART IX.

RETURNS AND FEES.

131.—(1) The corporation shall, on or before the first day of February in every year, make out a summary, verified as hereinafter required, containing as of the thirty- Annual summary of the affairs of the company.

first day of December preceding, correctly stated, the following particulars:—

Contents of
summary.

- (a) The corporate name of the corporation;
- (b) The manner in which the corporation is incorporated, whether by special Act, or by Letters Patent, and the date thereof;
- (c) The name, residence and post office address of the president, secretary, and treasurer of the corporation;
- (d) The name, residence and post office address of each of the directors of the corporation;
- (e) The date upon which the last annual meeting of the corporation was held;

In case of companies having share capital in addition—

- (f) The place of the head office, giving street and number when possible;
- (g) The amount of the capital of the company and the number of shares into which it is divided;
- (h) The number of shares subscribed for and allotted;
- (i) The number of shares (if any) issued fully paid as consideration for any transfer of assets, good will or otherwise; if none is so issued, this fact to be stated;
- (j) The amount of calls made on each share;
- (k) The total amount of calls received;
- (l) The total amount of shares forfeited;
- (m) The total amount of shares issued as preference shares and the rate of dividend thereon;
- (n) The total amount paid on such shares;
- (o) The total amount of debentures, debenture stock or bonds authorized, and the rate of interest thereon;
- (p) The total amount of debenture stock, bonds or debentures issued;
- (q) The total amount realized from debentures, debenture stock, and bonds;
- (r) The total number of share warrants issued and the names and addresses of the persons to whom same were issued.

If the company be a mining company

- (s) The number of shares sold or otherwise disposed of at a discount or premium;
- (t) The rate at which such shares were sold or disposed of;
- (u) Whether a sworn copy of the by-laws, if any, providing for the sale of stock at a discount or otherwise, was sent to the Provincial Secretary;
- (x) The date, or dates, upon which such by-laws, if any, were passed and sanctioned.

(2) In cases of companies having share capital the summary shall also contain a list of persons who, on the 31st day of December previously, were shareholders of the company; and such list shall state the names alphabetically arranged, and the address and occupation of each such person; the amount of stock held by each; and the amount, if any, unpaid and still due by each such person. List of shareholders.

(3) A duplicate of such summary with the affidavit of verification, shall be posted up in a conspicuous position in the head office of the company on or before the 2nd day of February in each year, and shall be available for inspection by any shareholder or creditor of the company; and the company shall keep the same so posted until another summary is posted under the provisions of this Act. Posting thereof.

(4) The summary of every corporation shall be verified by the affidavit of the president and secretary, and if there are no such officers, or they, or either of them, are, or is, at the proper time out of this Province or otherwise unable to make the same, by the affidavit of the president or secretary and one of the directors, or two of the directors, as the case may require; and if the president or secretary does not make or join in the affidavit the reason thereof shall be stated in the substituted affidavit. (*As amended by 63 V. c. 23, s. 4.*) Verification thereof.

(5) The summary, verified as aforesaid, shall, on or before the 8th day of February next after the time hereinbefore fixed for making the summary, be transmitted to the Provincial Secretary. Deposit with Provincial Secretary.

(6) If a corporation makes default in complying with the provisions of this section, the corporation shall incur a penalty of \$20 for every day during which the default continues, and every director, manager or secretary of the corporation, who knowingly and wilfully authorizes or permits such default, shall incur the like penalty, but such penalties shall be recoverable only by action at the suit of or brought by a private person suing on his own behalf with the written consent of the Attorney-General of the Province of Ontario. Penalty for default.

When section
not to apply.

(7) This section shall not apply to any corporation until the 1st day of February next after the 31st day of December of the year in which the corporation was organized, or has gone into actual operation, whichever shall first happen. R.S.O., c. 191, s. 79.

Fees on letters
patent, etc., to
be fixed by
Order-in-
Council.

132.—(1) The Lieutenant-Governor in Council may from time to time, establish, alter and regulate the tariff of fees to be paid to the Provincial Secretary on applications, returns, filings, and all transactions under this Act; and may prescribe the form of proceedings and record in respect thereof, and all other matters requisite for carrying out the objects of this Act.

(2) Such fees may be made to vary in amount, under any rule or rules—as to nature of the corporation, amount of capital and otherwise—that may be deemed expedient.

Restriction.

(3) No step shall be taken in the Department towards the issue of any letters patent or supplementary letters patent, or the filing of any document under this Act, until all fees therefor and all fees due the Department for any other service have been duly paid. R.S.O., c. 191, s. 95, *amended*.

No compliance
with Act to file
returns, etc.,
without pay-
ment of fees.

133. No tender or transmission of any return, by-law or other document shall be deemed to be a due compliance with the provisions of this Act unless and until the prescribed fee for receiving and filing the same has been paid to and has been accepted by the Provincial Secretary. *New*.

Evidence of
by-laws.

134. A copy of any by-law of the corporation under its seal and purporting to be signed by any officer of the corporation or a certificate, similarly authenticated, to the effect that a person is a shareholder or member of the corporation that a call or calls or dues, assessments or other payments has or have been made are due and have not been paid shall be received as *prima facie* evidence of the by-law or of the statements contained in such certificate in all Courts in Ontario. R.S.O., c. 191, s. 66.

Authentication
of summons
and notices.

135. Any writ, notice, order or proceeding requiring authentication by the corporation may be signed by any director, manager or other authorized officer of the corporation, and need not be under the seal of the corporation. R.S.O., c. 191, s. 67.

Service of
notices.

136. A notice or demand to be served or made by the corporation upon a shareholder or member may be served or made either personally or by post, registered, and addressed to the shareholder or member at his place of abode as it last appeared on the books of the corporation. R.S.O. c. 191, s. 68.

137. A notice or other document served by post by the corporation on a shareholder or member shall be held to be served at the time when the registered letter containing it would be delivered in the ordinary course of post; and to prove the fact and time of service it shall be sufficient to prove that such letter was properly addressed and registered, and was put into the post office, and the time when it was put in, and the time requisite for its delivery in the ordinary course of post. R.S.O., c. 191, s. 69.

Time of service.

Proof of service.

138. Any by-law by this Act required to be sanctioned by a two-thirds vote of the shareholders at a general meeting specially called for considering the same may in lieu thereof be validly sanctioned by the consent in writing of all the shareholders. *New.*

PART X.

MINING COMPANIES.

139. A mining company incorporated under this Act and made by the Letters Patent subject to the provisions of this part of the Act, may issue its shares at a discount or at any other rate in the manner hereinafter provided. *New.*

No liability.

140. No shareholder of such company holding shares issued as herein provided, shall be personally liable for non-payment of any calls made upon his shares beyond the amount agreed to be paid therefor. R.S.O., c. 197, s. 5, ss. 5, *amended.*

141. No shares shall be issued at a discount unless authorized by a by-law of the company confirmed by a majority of the shareholders thereof, at a meeting duly called for considering the same, fixing and declaring the rate and any other term and conditions of issue. R.S.O. c. 197, s. 5, ss. 1, *in part, amended.*

Shares issued at discount.

142. A copy of such by-law shall, within twenty-four hours after the same was confirmed, be transmitted by post, registered and prepaid, to the Provincial Secretary, or be filed in the office of the Provincial Secretary within five days, and such copy shall be verified as a true copy by the joint affidavit of the president and secretary, and if there are no such officers, or they, or either of them, are, or is, at the proper time unable to make the same, by the affidavit of the president or secretary and one of the directors, or two of the directors, as the case may require; and if the president or secretary does not make or join in the affidavit the reason thereof shall be stated in the substituted affidavit. R.S.O., c. 197, s. 5, ss. 1, *in part.*

By-law must be verified.

"No personal liability" to appear on documents issued by company.

143. Every such mining company shall have written or printed, immediately after or under the name of such company, wherever such name may be used by the company or any director, officer, servant or employee thereof, and shall have engraved upon its seal the words "No PERSONAL LIABILITY"; and upon every share certificate issued by the company, distinctly written or printed in red ink, where such share certificates are issued in respect of shares subject to call, the words "SUBJECT TO CALL"; or if in respect to shares not subject to call, the words "NOT SUBJECT TO CALL," according to the fact. R.S.O., c. 197, s. 5, ss. 2, 3, *amended*.

Certificates of shares, what to contain.

Sale of shares no non-payment of calls.

144. In the event of any call or calls on shares in a company subject to the provisions of this part of this Act remaining unpaid by the holder thereof for a period of sixty days after notice and demand of payment, such shares may be declared to be in default, and the secretary of the company may advertise such shares for sale at public auction to the highest bidder for cash by giving notice of such sale in a newspaper published at the place where the principal office of the company is situated, or in case no newspaper is published thereat, then in a newspaper published at the nearest place to said office once a week for four successive weeks; and said notice shall contain the numbers of the share certificates in respect of such shares and the number of shares, the amount of the call or calls due and unpaid and the time and place of sale; and in addition to the publication of the notice aforesaid, notice shall be personally served upon such shareholder by registered letter mailed to his last known address; and if the holder of such shares fails to pay the amount due upon such shares with interest upon the same and cost of advertising before the time fixed for such sale, the secretary shall proceed to sell the same, or such portion thereof as shall suffice to pay such calls together with interest and cost of advertising; provided that if the price of the shares so sold exceeds the amount due with interest and costs thereon, the excess thereof shall be paid to the defaulting shareholder. R.S.O., c. 197, s. 5, ss. 4.

Penalty.

145. A company which acts in contravention of any provision of this part of the Act, and every director, manager, officer or agent thereof, shall be liable on summary conviction to a fine of \$200 and costs. R.S.O., c. 197, s. 7, *amended*.

Liability of Directors for wages,

146. Notwithstanding anything contained in this part of this Act, the directors of the company shall be liable as provided by section 94 of this Act. R.S.O., c. 197, s. 8, *amended*.

PART XI.

TRUST COMPANIES.

147.—(1) No company shall be incorporated, or otherwise authorized, by Letters Patent to execute the office of executor, administrator, trustee, receiver, assignee, guardian of a minor's estate or committee of a lunatic's estate, and no Letters Patent shall be granted to any company heretofore incorporated conferring any such powers upon such company unless such company complies with the provisions of this part of this Act. R.S.O., c. 206, s. 4.

Companies to which Act applies.

148. At all times at least three-fourths of the shares of a company incorporated under the provisions of this part of this Act, shall be held by persons who are residents of this Province, or by companies incorporated under the laws of this Province. If at any time it is shewn to the satisfaction of the Lieutenant-Governor-in-Council that less than three-fourths of the shares of the company are held otherwise than as aforesaid, the Letters Patent incorporating the company may be forfeited under the provisions of section 22 of this Act. R.S.O., c. 206, s. 4, ss. 2, amended.

149. No company shall receive authority by letters patent to become or be appointed guardian of the persons of infants or committee of the persons of lunatics. R.S.O. c. 206, s. 5.

Companies not to act as guardians or committees.

150. The Lieutenant-Governor-in-Council may from time to time make regulations regarding notice of application for incorporation of trust companies, the objects of incorporation and evidence that the general fitness of the applicants for the discharge of the duties appertaining to such trusts as aforesaid is such as to command the confidence of the public, and that the public convenience and advantage will be promoted by granting to the company the powers applied for. *New.*

Regulation recording applications.

151. The liability of a trust company to persons interested in an estate held by the company as executor, administrator, trustee, receiver, assignee, guardian or committee as aforesaid, shall be the same as if the estate had been held by any private person in the like capacity, and its powers shall be the same. R.S.O., c. 206, s. 9.

Liability of trust companies.

152. The Provincial Secretary may, from time to time, appoint a person to investigate the affairs and management of any trust company; and such person shall report thereon and upon the security afforded to those by or for whom the engagements of the company are held; and the expense of such investigations shall be defrayed by the com-

Provincial Secretary may investigate.

pany; and such person may examine the officers or directors of the company under oath for the purposes of such investigation. R.S.O., c. 206, s. 10, *in part, amended*.

Trust companies not to issue debentures.

Rev. Stat. c. 191.

153. No company incorporated under this Act, or chapter 157 of the Revised Statutes of Ontario, 1887, or chapter 206 of the Revised Statutes of Ontario, 1897, or any other general Act with power to execute the office of executor, administrator, trustee, receiver, assignee, guardian of the estate of a minor, committee of the estate of a lunatic, shall issue debentures. R.S.O., c. 206, s. 12.

PART XII.

COMPANIES OPERATING MUNICIPAL FRANCHISES AND PUBLIC UTILITIES.

Application of this part of Act.

154. This part of the Act shall apply to all applications for incorporation of companies intended to operate or control any public or municipal franchise, undertaking or utility or which may require for its purposes the erection of any permanent structure in or upon any highway, stream or adjoining navigable waters, and to such companies when incorporated. *New*.

Material to be produced in application.

155. With the application for incorporation the applicants shall produce to the Provincial Secretary:

- (a) Evidence that the proposed capital is sufficient to carry out the objects for which the company is to be incorporated; that such capital has been subscribed or underwritten and that the applicants are likely to command public trust and confidence in the undertaking;
- (b) A detailed description of the plant, works and intended operations of the company, and an estimate of their cost;
- (c) A by-law of every municipality in which the operations of the company are to be carried on authorizing the execution thereof in the manner set out in the detailed description above referred to;
- (d) If the undertaking is to be carried on in an unorganized district, a report from the Minister of Lands, Forests and Mines approving of the undertaking.
- (e) If it is proposed that the company shall acquire any plant, works, land, undertaking, good will, contract or other property or assets, a detailed statement of the nature and value thereof. *New*.

156. The Provincial Secretary may refer the application and all statements, evidence and material filed thereon to engineers, architects, valuers or other experts for consideration, investigation and report regarding the public necessity for the undertaking of the company, the amount of capital required therefor, the value of any plant, works, lands, undertaking, good will, contract or other property or assets to be acquired by the company and any other matter which may appear to be in the public interest regarding such undertaking. *New.*

157. The Lieutenant-Governor may direct the issue of Letters Patent in terms and conditions different from those applied for. *New.*

158. Notice of the application shall be published in such manner and shall be given to such persons or corporations as the Provincial Secretary may determine. *New.* Notice of application.

159. The term of existence of the company may be limited by the Letters Patent. *New.* Existence of company.

160. The Letters Patent may limit (1) the rate of dividend payable on the shares of the capital stock of the company and on debentures or other securities, and (2) the amount which the company may borrow on debentures, mortgages or other securities. *New.* Limitations in charter.

161. Upon any application for Supplementary Letters Patent extending the powers, increasing the capital or otherwise varying any term of the Letters Patent the company shall produce such evidence and statements as are referred to in section 155 hereof and such other evidence and statements as the Provincial Secretary may require, and he may refer the same in the manner and for the purposes set out in section 156. *New.*

162. The Supplementary Letters Patent may fix the conditions upon which any shares, debentures, or other securities of the company, therein provided to be issued, may be allotted, sold or otherwise disposed of, and may vary any term, condition or proviso of the application therefor. *New.*

163. No provision contained herein or in the Letters Patent of the company regarding the issue of debentures or other securities or the making of mortgages to secure the same shall in any way prejudice the right which any municipality may have under the statute in that behalf to take possession of the plant and undertaking of the company. *New.* Rights of municipality preserved.

Company may
make by-law.

164. The company may pass by-laws regarding the control and management of its undertaking; its dealings with the public it is incorporated to serve; the collection of tolls, charges, rates or levies for the public service given by the company; and for the use, protection and care of its property while being used, enjoyed or otherwise subject to public use, and may impose penalties for the infraction thereof; provided, however, that no such by-laws shall have any force or effect or be acted upon until approved by the Lieutenant-Governor-in-Council and published four times in a public newspaper published at the place where the undertaking of the company is carried on, or as near thereto as may be, and in the *Ontario Gazette*. *New.*

Additional
returns.

165. In addition to the other returns which may be required by this or any other Act, the company shall on or before the 8th day of February in each year make a report to the Provincial Secretary, under oath of the president and secretary which shall specify:

What the re-
port is to con-
tain.

- (a) The cost of the work, plant and undertaking of the company;
- (b) The amount of its capital, and the amount paid thereon;
- (c) The amount received during the year from tolls, levies, rates and charges and all other sources, stating each separately;
- (d) The amount and rate of dividends paid;
- (e) The amount expended for repairs; and
- (f) A detailed description of any extension or improvement of the works or of any new works proposed to be undertaken in the current year, together with an estimate of the cost thereof.

Every com-
pany to keep
regular books
of account.

166. The books of account of the company shall be at all times open to the inspection and examination of any shareholder. *New.*

Inspection of
books.

167. The Provincial Secretary may appoint a person to inspect and examine such books and every person so appointed may take copies or extracts from the same, and may require and receive from the keeper of such books, and also from the president and each of the directors of the company, and all the other officers and servants thereof, all such information as to such books and the affairs of the company generally, as the person so appointed deems necessary for the full and satisfactory investigation into and report upon the state of the affairs of the company, so as to enable him to ascertain the correctness of statements furnished by the company. *New.*

168. The Lieutenant-Governor may, by Supplementary Letters Patent, extend the term of existence of any company incorporated for a limited period under this Act, for such further period as by Order made previous to the expiry of such period he may direct, and the provisions of this Act having regard to the expiration of the term of existence of a company shall thereupon apply to such term as so extended. *New.*

Existence of company may be extended by supplementary letters patent.

PART XIII.

EXPROPRIATION.

169. A company incorporated for the purpose of operating any municipal or other public franchise, utility or undertaking and to which this part of this Act is made applicable by the Letters Patent may take, without the consent of the owner thereof, lands and easements therein which may be necessary for the purposes of its undertaking, in like manner as under the provisions of *The Ontario Railway Act* in that behalf lands may be expropriated for the purpose of a railway; Provided, however, that any such right of expropriation may be limited or any section or sections of the said *The Ontario Railway Act* may be excluded. *New.*

Expropriation

170. This part of the Act shall apply to any company heretofore incorporated under any general or special Act for the purposes referred to in section 154. *New.*

PART XIV.

WINDING UP COMPANIES.

171. If a contributory dies either before or after he has been placed on the list of contributories hereinafter mentioned, his personal representative, heirs and devisees shall be liable in due course of administration to contribute to the assets of the corporation in discharge of the liability of such deceased contributory, and such personal representatives, heirs, and devisees shall be deemed to be contributories accordingly. R.S.O., c. 222, s. 3, ss. 3.

Case of death of contributory.

172. The liability of any person to contribute to the assets of a corporation under this Act, in the event of the same being wound up, shall be deemed to create a debt accruing due from such person at the time when his liability commenced, but payable at the time or respective times when calls are made as hereinafter mentioned for enforcing such liability. (Imp. 75), *amended.*

Nature of liability of contributory.

173. A corporation may be wound up voluntarily under this Act:

Voluntary winding up.

1. Where the period, if any, fixed for the duration of the corporation by the Act, charter or instrument of incorporation has expired; or where the event (if any) has occurred, upon the occurrence of which it is provided by the Act or Letters Patent or instrument of incorporation that the corporation is to be dissolved and the corporation in general meeting has passed a resolution requiring the corporation to be wound up;
2. Where the corporation in general meeting called for that purpose has passed a resolution requiring the corporation to be wound up;
3. Where the corporation (though it may be solvent as respects creditors) has passed a resolution in general meeting to the effect that it has been proved to its satisfaction that the corporation cannot by reason of its liabilities continue its business, and that it is advisable to wind up the same. R.S.O. 1887, c. 183, s. 4, *amended*.

Commencement of winding up.

174. A winding up shall be deemed to commence at the time of the passing of the resolution authorizing the winding up. R.S.O. 1887, c. 183, s. 6, *amended*.

Corporation to cease business.

175. Whenever a corporation is wound up voluntarily, the corporation shall, from the date of the commencement of such winding up, cease to carry on its undertaking, except in so far as may be required for the beneficial winding up thereof, and all transfers of shares, except transfers made to or with the sanction of the liquidators, or alteration in the status of the members of the corporation, taking place after the commencement of such winding up, shall be void, but its corporate state and all its corporate powers shall, notwithstanding it is otherwise provided by its constating instrument or by-laws, continue until the affairs of the corporation are wound up. R.S.O. c. 222, s. 8, ss. 1, *amended*.

Notice of resolution to be given.

176. Notice of any resolution passed for winding up a corporation voluntarily shall be given by advertisement in the *Ontario Gazette* and filed in the office of the Provincial Secretary. *New*.

No suit or action against corporation after winding up.

177. After the commencement of the winding up, no suit, action or other proceeding shall be proceeded with or commenced against the corporation, and no attachment, sequestration, distress or execution shall be put in force against the estate or effects of the corporation. Provided, however, that after a winding up order has been made by the Court as hereinafter provided, such suit, action or other

proceeding, attachment, sequestration, distress or execution may be proceeded with by leave of the Court and subject to such terms as the Court may impose. And further provided that this section shall not apply to any proceeding taken under *The Winding-up Act* of the Parliament of the Dominion of Canada or other Act respecting Insolvency or Bankruptcy for the time being in force. *New.*

178. The following consequences shall ensue upon the voluntary winding up of a corporation: Consequences of winding up.

- (1) The property of the corporation shall be applied in satisfaction of all its liabilities *pari passu*, and, subject thereto, shall, unless it be otherwise provided by the by-laws of the corporation, be distributed *pro rata* amongst the members or shareholders according to their rights and interests in the corporation;
- (2) In distributing the assets of the corporation, the salary or wages of all clerks and wage-earners in the employment of the corporation due at the date of the commencement of the winding-up or within one month before, not exceeding three months' salary or wages, shall be paid in priority to the claims of the ordinary general creditors, and such persons shall be entitled to rank as ordinary or general creditors for the residue of their claims. 60 V. c. 36, s. 196. ■ Privilege of claims of clerks and employees allowed to a certain extent.
- (3) Liquidators shall be appointed for the purpose of winding up the affairs of the corporation and distributing the property;
- (4) The corporation in general meeting shall appoint such person or persons as it thinks fit to be liquidators or a liquidator, and may fix the remuneration to be paid to them or him;
- (5) If one person only is appointed, all the provisions herein contained in reference to several liquidators shall apply to him;
- (6) Upon the appointment of liquidators all the powers of the directors shall cease except in so far as the corporation in general meeting or the liquidators may sanction the continuance of such powers;
- (7) When several liquidators are appointed, every power hereby given may be exercised by such one or more of them as may be determined at the time of their appointment, or in default of such determination by any number not less than two;

- (8) The liquidators shall settle the list of contributories of the corporation and any list so settled shall be *prima facie* evidence of the liability of the persons named therein to be contributories;
- (9) The liquidators may at any time after the passing of the resolution for winding up the corporation and before they have ascertained the sufficiency of the assets of the corporation, call on all or any of the contributories, for the time being settled on the list of contributories, to the extent of their liability to pay all or any sums they deem necessary to satisfy the debts and liabilities of the corporation, and the costs, charges and expenses of winding it up, and for the adjustment of the rights of the contributories amongst themselves, and the liquidators may in making a call take into consideration the probability that some of the contributories upon whom the same is made may partly or wholly fail to pay their respective portions of the same;
- (10) The liquidators shall pay the debts of the corporation and adjust the rights of the contributories, shareholders or members amongst themselves.

Payment of
costs and
expenses.

179. All costs, charges and expenses properly incurred in the voluntary winding up of a corporation, including the remuneration of the liquidators, shall, after taxation by a taxing officer of the High Court who is hereby empowered to tax the same, be payable out of the assets of the corporation in priority to all other claims. R.S.O., c. 222, s. 20.

Power of
liquidators.

180. The liquidators shall have power to do the following things:

- (1) To bring or defend any action, suit or prosecution, or other legal proceeding, civil or criminal, in the name and on behalf of the corporation;
- (2) To carry on the business of the corporation so far as may be necessary for the beneficial winding up of the same;
- (3) To sell the real and personal property, effects and things in action of the company by public auction or private contract, with power to transfer the whole thereof to any person or corporation, or to sell the same in parcels;

- (4) To do all acts and to execute, in the name and on behalf of the corporation, all deeds, receipts and other documents, and for that purpose to use, when necessary, the corporation's seal;
- (5) To draw, accept, make and indorse any bill of exchange or promissory note in the name and on behalf of the corporation, also to raise upon the security of the assets of the corporation, from time to time, any requisite sum or sums of money; and the drawing, accepting, making or indorsing of every such bill of exchange or promissory note as aforesaid on behalf of the corporation shall have the same effect with respect to the liability of such corporation as if such bill or note had been drawn, accepted, made or endorsed by or on behalf of such corporation in the course of carrying on the business thereof;
- (6) To take out, if necessary, in his official name, letters of administration to the estate of any deceased contributory and to do in his official name any other act that may be necessary for obtaining payment of any moneys due from a contributory or from his estate and which act cannot be conveniently done in the name of the corporation; and in all cases where he takes out letters of administration or otherwise uses his official name for obtaining payment of any moneys due from a contributory, such moneys shall, for the purpose of enabling him to take out such letters or recover such moneys, be deemed to be due to the official liquidator himself;
- (7) To do and execute all such other things as may be necessary for winding up the affairs of the corporation and distributing its assets.

181. A corporation about to be wound up voluntarily, ^{Inspectors.} or in the course of being wound up voluntarily, may, by resolution, delegate to any committee of its members, contributories or creditors, hereinafter referred to as inspectors, the power of appointing liquidators and filling any vacancies in the office of liquidators, or may by a like resolution enter into any arrangement with respect to the powers to be exercised by the liquidators and the manner in which they are to be exercised; and any act done by the said inspectors in pursuance of such delegated power shall have the same effect as if it had been done by the corporation.

Deposit in bank
by liquidators.

182.—(1) The liquidators shall deposit at interest in some chartered bank to be indicated by the inspectors all sums of money which he may have in his hands, belonging to the corporation, whenever such sums amount to \$100.

Separate de-
posit account
to be kept;
withdrawal
from account.

(2) Such deposit shall not be made in the name of the liquidator generally, on pain of dismissal; but a separate deposit account shall be kept for the corporation of the moneys belonging to the corporation, in the name of the liquidator as such, and of the inspectors (if any); and such moneys shall be withdrawn only on the joint cheque of the liquidator and one of the inspectors, if there be any.

Liquidators to
produce bank
pass book at
meetings, etc.

(3) At every meeting of the shareholders or members of the corporation the liquidators shall produce a pass-book, showing the amount of deposits made for the corporation, the dates at which the deposits were made, the amounts withdrawn and dates of such withdrawal; of which production mention shall be made in the minutes of the meeting, and the absence of such mention shall be *prima facie* evidence that the pass-book was not produced at the meetings.

Liquidator to
produce bank
pass book
when ordered.

(4) The liquidator shall also produce the pass-book whenever so ordered by the Court at the request of the inspectors or a member of the corporation, and on his refusal to do so, he shall be treated as being in contempt of Court. R.S.O., c. 222, s. 19, ss. 3, 4, 5, 6.

Meetings of
corporation
during wind-
ing up.

183. Where a corporation is being wound up voluntarily, the liquidators may from time to time, during the continuance of such winding up, summon general meetings of the corporation for the purpose of obtaining the sanction of the corporation by resolution, or for any other purposes they think fit; and in the event of the winding up continuing for more than one year, the liquidators shall summon a general meeting of the corporation at the end of the first year and of each succeeding year from the commencement of the winding up, and shall lay before such meeting an account shewing their acts and dealings, and the manner in which the winding up has been conducted during the preceding year. R.S.O., c. 222, s. 22 (2), (3).

Vacancy in
office of
liquidator.

184. If any vacancy occurs in the office of liquidators appointed by the corporation, by death, resignation or otherwise, the corporation in general meeting may, subject to any arrangement they may have entered into upon the appointment of inspectors, fill up such vacancy, and a general meeting for the purpose of filling up such vacancy may be convened by the continuing liquidators, if any, or by any contributory of the corporation, and shall be deemed to have been duly held in manner prescribed

by the by-laws of the corporation, or in default thereof in the manner prescribed by this Act for calling general meetings of the shareholders or members of the corporation. R.S.O., c. 222, s. 25 (1), *in part*.

185. The provisions of section 38 of chapter 129 of The Revised Statutes of Ontario shall apply *mutatis mutandis* to liquidators. Liquidators may distribute assets after expiration of time fixed.

186. The liquidators may, with the sanction of a resolution of the corporation or the inspectors, make such compromise or other arrangement as the liquidators deem expedient, with any creditors, or persons claiming to be creditors, or persons having or alleging to have any claim, present or future, certain or contingent, ascertained or sounding only in damages, against the corporation whereby the corporation may be rendered liable. R.S.O., c. 222, s. 11. Arrangements may be authorized with creditors.

187. The liquidators may, with the sanction of a resolution of the corporation or of the inspectors, compromise all calls and liabilities to calls, debts, and liabilities capable of resulting in debts, and all claims, whether present or future, certain or contingent, ascertained or sounding only in damages, subsisting or supposed to subsist between the corporation and any contributory or other debtor or person apprehending liability to the corporation and all questions in any way relating to or affecting the assets of the corporation, or the winding up of the corporation, upon the receipt of such sums, payable at such times, and generally upon such terms as may be agreed upon; and the liquidators to take any security for the discharge of such debts or liabilities, and give a complete discharge in respect of all or any such calls, debts or liabilities. R.S.O. c. 222, s. 12, *amended*. Power to compromise with debtors and contributories. Take security.

188.—(1) Where a corporation is proposed to be or is in the course of being wound up, and the whole or a portion of its business or property is proposed to be transferred or sold to another corporation, the liquidators of the first mentioned corporation, with the sanction of a resolution of the corporation by whom they were appointed conferring either a general authority on the liquidators, or an authority in respect of any particular arrangement, may receive, in compensation or in part compensation for such transfer or sale, shares or other like interest in such other corporation, for the purpose of distribution amongst the members of the corporation which is being wound up, or may, in lieu of receiving cash, shares, or other like interests, or in addition thereto, participate in the profits of or receive any other benefit from the purchasing corporation. Power to accept shares, etc., as a consideration for sale of property to another company.

Sale or arrangement by liquidators binding unless a member objects.

Proceedings on objection.

Special resolution not invalid because prior to resolution to wind up.

Price payable to dissentient member.

(2) Any sale made or arrangement entered into by the liquidators in pursuance of this section shall be binding on the shareholders or members of the corporation which is being wound up, subject to the proviso that if any member of the corporation which is being wound up, who has not voted in favour of the resolution passed by the corporation of which he is a member, expresses his dissent from any such resolution, in writing, addressed to the liquidators or one of them, and left at the head office of the corporation, or the place where its undertaking is carried on, not later than seven days after the date of the meeting at which such resolution was passed, such dissentient member may require the liquidators to do one of the following things as the liquidators may prefer, that is to say, either (a) to abstain from carrying such resolution into effect, or (b) to purchase the interest held by such dissentient member, at a price to be determined in manner hereinafter mentioned, such purchase-money to be paid before the corporation is dissolved, and to be raised by the liquidators in such manner as may be determined by resolution.

(3) No resolution shall be deemed invalid for the purposes of this section by reason that it is passed antecedently to or concurrently with any resolution for winding up the corporation or for appointing liquidators.

(4) The price to be paid for the purchase of the interest of any dissentient member may be determined by agreement; but if the parties dispute about the same such dispute shall be settled by arbitration under the provisions of *The Arbitration Act*. R.S.O., c. 222, s. 13, ss. 1, 2, 3, 4, amended.

189. The liquidator or liquidators or any creditor affected by the provisions of section 162 of this Act or the inspectors may at any time apply to the Master-in-Ordinary in the County of York or the Local Master in any other county or union of counties for his opinion, advice or direction in any matter arising in the liquidation, and the said master may give such opinion, advice or direction after hearing such parties as he shall direct to be notified or after such steps as he may prescribe have been taken, and such advice, opinion or direction shall be followed and shall be binding upon all parties in the liquidation subject to an appeal to a Judge of the High Court of Justice in Chambers if leave to appeal is given by such master and the order of such Judge of the High Court of Justice shall be final and binding in the liquidation.

Winding-up by Court.

190. A corporation may be wound up by Order of the Court:

1. Where it may be wound up voluntarily;

2. Where proceedings have been taken to wind up voluntarily and it appears to the Court that it is in the interests of contributories and creditors that it should be wound up under the supervision of the Court.
3. Where on the application of a contributory the Court is of the opinion that it is just and equitable that the corporation should be wound up. *New.*
4. When the Letters Patent or Supplementary Letters Patent have been declared forfeited or revoked or made void under the provisions of sections 22 or 148.

191. The winding-up order may be made on petition to a Judge or Local Judge of the High Court in Chambers by the liquidator or by any contributor, shareholder, member or when the corporation is being wound up voluntarily by a creditor having a claim of \$200 or upwards. *New.* Who may apply.

192. Where a winding-up order is made by the court without prior voluntary winding-up proceedings, the winding-up shall be deemed to commence at the time of service of notice of motion for the order. *New.*

193. The Court may make the order applied for or may dismiss the petition with or without costs; may adjourn the hearing conditionally or unconditionally, or may make any interim or other orders as may be just, and upon the making of the order may, according to the practice and procedure of such court, refer the proceedings for the winding-up and may also delegate any powers of the Court conferred by this Act to a Master or Referee of the Court. *R.S.C., 129, 9, amended.* Powers of Court.

194. The Court in making the winding-up order may appoint a liquidator or liquidators of the estate and effects of the corporation; but no such liquidator shall be appointed unless a previous notice is given to the creditors, contributories, shareholders, or members in the manner and form prescribed by the Court. Provided, however, that if a liquidator has already been appointed in a voluntary liquidation such notice need not be given. *R.S.C. 129, 20. Amended.* Appointment of liquidator.

195.—(1) If from any cause there is no liquidator acting either provisionally or otherwise, the Court may on the application of a member of the corporation, appoint a liquidator or liquidators. Appointment by court.

(2) The Court may also on due cause shewn, remove a liquidator and appoint another liquidator. Removal of liquidator.

The case of no liquidator.

(3) When there is no liquidator the estate shall be under the control of the Court until the appointment of a new liquidator. R.S.O., c. 222, s. 25, ss. 2, 3, 4.

Proceeding in winding up after order.

196. When a winding-up order has been made proceedings for the winding up of the corporation shall be taken in the same manner and with the like consequences as hereinbefore provided for a voluntary winding up. Provided, however, that the list of contributories shall be settled by the Court except where the same has been settled by the liquidator prior to the winding up order when such list shall be subject to review by the Court and that all proceedings in said winding up shall be subject to the order and discretion of the Court. *New.*

Meetings of members of company may be ordered.

197.—(1) The Court may direct meetings of the shareholders or members of the corporation to be summoned, held and conducted in such manner as the Court thinks fit for the purpose of ascertaining their wishes, and may appoint a person to act as chairman of any such meeting, and to report the result of such meeting to the Court.

Chairman.

Order for delivery by contributories and others of property, etc.

(2) The Court may require any contributory for the time being settled on the list of contributories, or any trustee, receiver, banker, or agent or officer of the corporation to pay, deliver, convey, surrender or transfer forthwith, or within such time as the Court directs, to or into the hands of the liquidator, any sum or balance, books, papers, estate, or effects which happen to be in his hands for the time being, and to which the corporation is *prima facie* entitled.

Inspection of books.

(3) The Court may make such order for the inspection by the creditors and contributories of the corporation of its books and papers as the Court thinks just; and any books and papers in the possession of the company may be inspected in conformity with the order of the Court, but not further or otherwise. R.S.O., c. 222, s. 23, ss. 5, 6, 10.

Examination of persons before court or liquidator.

198. The Court may, at any time after the commencement of the winding up of the corporation, summon to appear before the Court or liquidator any officer of the corporation, or any other person known or suspected to have in his possession any of the estate or effects of the corporation, or supposed to be indebted to the corporation, or any person whom the Court may deem capable of giving information concerning the trade, dealings, estate or effects of the corporation, and in case of refusal to appear and answer the questions submitted, he may be committed and punished by the Judge as for a contempt.

Power of court to assess damages

(2) Where in the course of winding up a corporation under this Act, it appears that any person who has taken

part in the formation or promotion of the corporation or any past or present director, manager, official or other liquidator, or any officer of the corporation has misapplied, or retained in his own hands, or become liable or accountable for, moneys of the corporation, or been guilty of any misfeasance or breach of trust in relation to the corporation, the Court may, on the application of a liquidator, or of any contributory of the corporation, notwithstanding that the offence is one for which the offender is criminally responsible, examine into the conduct of such promoter, director, manager, or other officer, and compel him to repay the moneys so misapplied or retained, or for which he has become liable or accountable, together with interest, such rate as the Court thinks just, or to contribute such sums of money to the assets of the corporation by way of compensation in respect of such misapplication, retainer, misfeasance, or breach of trust, as the Court thinks just. R.S.O., c. 222, s. 23, ss. 11, 17.

against delin-
quent direc-
tors, etc.

199. If at any time a member of the corporation desires to cause any proceeding to be taken which, in his opinion, would be for the benefit of the corporation, and the liquidator, under the authority of the members of the corporation or of the inspectors, refuses or neglects to take such proceeding, after being duly required so to do, the member of the corporation shall have the right to obtain an order of the Court authorizing him to take such proceeding in the name of the liquidator or corporation, but at his own expense and risk, upon such terms and conditions as to indemnity to the liquidator, as the Court may prescribe; and thereupon any benefit derived from such proceeding shall belong exclusively to the member of the corporation instituting the same, for his benefit and that of any other member of the corporation who may have joined him in causing the institution of such proceeding; but if, before such order is granted, the liquidator signifies to the Court his readiness to institute such proceeding for the benefit of the corporation, an order shall be made prescribing the time within which he shall do so and in that case the advantage derived from such proceeding shall appertain to the corporation. R.S.O., c. 222, s. 24.

Proceedings by
contributories,
at their own
expense and
for their own
benefit only.

200. Any powers by this Act conferred on the Court shall be deemed to be in addition to any other power, of instituting proceedings against any contributory, or against any debtor of the corporation for the recovery of any call or other sums due from such contributory, or against any debtor of the corporation, for the recovery of any call or other sum due from such contributory or debtor, or his estate, and such proceedings may be instituted accordingly. R.S.O., c. 222, s. 28.

Powers of
court to be in
addition to
other powers.

Stay of proceedings.

201. The Court at any time after an order has been made for winding up a corporation may, upon the application by motion of any contributory, and upon proof to the satisfaction of the Court that all proceedings in relation to the winding up ought to be stayed, make an order staying the same, either altogether or for a limited time, on such terms and subject to such conditions as the Court deems fit. R.S.O., c. 222, s. 33.

Appeals.

202. Any party who is dissatisfied with any order or decision of the Court or of a Master or Referee in any proceeding under this Act, may appeal therefrom to a Judge of the High Court as in the case of a like order made in any action. *New.*

Rules of procedure.

203. The Lieutenant-Governor-in-Council may from time to time make rules of practice and procedure for the due carrying out of the provisions of this part of the Act, and until such rules have been made the practice shall be the same as in cases of administration of estates so far as the same are applicable, or in the Master's Office in cases under the *Winding-Up Act*. (Canada.) *New.*

Account of winding up to be made by liquidator to a general meeting.

204.—(1) As soon as the affairs of the corporation are fully wound up, the liquidators shall make up an account shewing the manner in which the winding up has been conducted, and the property of the corporation disposed of; and thereupon they shall call a general meeting of the members or shareholders of the corporation for the purpose of having the account laid before them, and hearing any explanation that may be given by the liquidators; the meeting shall be called in the manner provided by the by-laws for calling general meetings of the shareholders or members of the corporation.

Return of holding of meeting to be sent to Provincial Secretary.

(2) The liquidator shall make a return to the Provincial Secretary of such meeting having been held, and of the date at which the same was held; which return shall be filed in the office of the Provincial Secretary; and on the expiration of three months from the date of the filing of such return, the corporation shall be deemed to be dissolved. R.S.O., c. 222, s. 40.

Dissolution of company

Order for dissolution.

205. Whenever the affairs of the corporation have been completely wound up, the Court may make an order that the corporation be dissolved from the date such order, and the corporation shall be dissolved accordingly; which order shall be reported by the liquidator to the Provincial Secretary. R.S.O., c. 222, s. 41.

Report to Provincial Secretary.

Penalty on default in reporting by liquidator or in making return.

206. If the liquidator makes default in transmitting to the Provincial Secretary the return mentioned in section 187 (2) or in reporting the order (if any) declaring the cor-

poration dissolved, he shall be liable on summary conviction to a penalty not exceeding \$20 for every day during which he is in default. R.S.O., c. 222, s. 42.

207. All dividends deposited in a bank and remaining unclaimed at the time of the dissolution of the corporation, shall be left for three years in the bank where they are deposited, and if still unclaimed, shall then be paid over by such bank, with interest accrued thereon, to the Treasurer of Ontario, and, if afterwards duly claimed, shall be paid over by the Treasurer to the persons entitled thereto. R.S.O., c. 222, s. 43.

Disposition of unclaimed dividends.

208.—(1) Every liquidator shall, within thirty days after the date of the dissolution of the corporation, deposit in the bank appointed or named as hereinbefore provided for, any other moneys belonging to the estate then in his hands not required for any other purpose authorized by this Act, with a sworn statement and account of such money, and that the same is all he has in his hands; and he shall be liable on summary conviction to a penalty of not exceeding \$10 for every day on which he neglects or delays such payments; and he shall be a debtor to His Majesty for such money and may be compelled as such to account for any pay over the same.

Deposit by liquidator after dissolution of moneys with sworn statement.

Penalty on omission.

(2) The money so deposited shall be left for three years in the bank, and shall be then paid over, with interest, to the Treasurer of the Province, and if afterwards claimed shall be paid over to the person entitled thereto.

Money to remain on deposit for three years.

(3) Where a corporation has been wound up under this Act and is about to be dissolved, the books, accounts and documents of the corporation and of the liquidators may be disposed of in such a way as the corporation by resolution directs in case of voluntary winding up or the Court in case of winding up under order.

Disposal of books, etc., after winding up.

(4) After the lapse of five years from the date of such dissolution no responsibility shall rest on the corporation or the liquidators, or any one to whom the custody of such books, accounts and documents has been committed, by reason that the same or any of them are not forthcoming to any party claiming to be interested therein. R.S.O. c. 222, s. 44.

After five years responsibility as to custody of books, etc., to cease.

PART XV.

APPLICATION OF ACT AND REPEAL.

209. The Lieutenant-Governor in Council may by Supplementary Letters Patent upon the application of a corporation, a shareholder, a creditor, a holder of bonds, debentures or other securities or obligation thereof or any person, firm or corporation with whom the company may have deal-

Powers of existing corporations may be varied.

ings, relieve the corporation from any duty, obligation or other disability, or may limit any right, power or other advantage which may have been cast or conferred upon the corporation by the repeal of the general Act under which the said corporation was incorporated and by the enactment of this Act. Notice shall thereupon be given in the *Gazette* by the Provincial Secretary of such Supplementary Letters Patent setting out the manner in which any such duty, obligation or other disability has been relieved or in which such right, power or other advantage has been limited.

Application of
Act.

210. This Act, except in so far as it may have been particularly made otherwise applicable, shall apply to the following companies:

- (a) To every company incorporated under any special or general Act of the Parliament of the late Province of Upper Canada.
- (b) To every company incorporated under any special or general Act of the Parliament of the late Province of Canada which has its head office and carries on business within the Province of Ontario, and which was incorporated with objects or purposes to which the legislative authority of the Legislature of the Province of Ontario extends; and
- (c) To every company incorporated under any special or general Act of the Legislature of the Province of Ontario;

Provided, however, that this Act shall not apply to any such company incorporated for the construction and working of a railway, the business of insurance and the business of a loan corporation within the meaning of *The Loan Corporations Act*; and further provided that the Lieutenant-Governor in Council may relieve any company incorporated before the first day of July, 1897, from compliance with any of the provisions of this Act as may be deemed expedient.

Repeal.

211. The Acts mentioned in Schedule E to this Act are hereby repealed to the extent specified in the third column of that schedule; provided, that

Proviso.

(1) Any Letters Patent, Supplementary Letters Patent, Order-in-Council, certificate, by-law, rule or regulation made or granted with respect to any company, corporation or association within the scope of this Act under any enactment hereby repealed, shall continue in force as if it had been made or granted under this Act.

(2) The corporate existence and powers of all companies, association or other corporation within the scope of this Act incorporated otherwise than by Letters Patent under

any enactment hereby repealed shall continue as if such companies, associations or other corporations had been incorporated under this Act.

(3) The corporate existence, rights and powers of any and all corporations, associations and societies, registered as friendly societies, and incorporated under any Act respecting benevolent, provident and other societies, or any other Act of this Province, and all the rights and privileges of the members thereof and their beneficiaries are (subject to the provisions of *The Ontario Insurance Act* and all amendments thereto) hereby continued notwithstanding the repeal of any Act hereunder and notwithstanding anything in this Act hereinbefore contained.

(4) Saving and excepting those corporations referred to in subsection 3 hereof, any document referring to any Act or enactment hereby repealed shall be construed to refer to this Act or to the corresponding enactment of this Act.

(5) Any penalty may be recovered and any offence may be prosecuted under this Act for any matter or thing provided for, under the Acts hereby repealed.

212. This Act shall, except as otherwise expressed, come into operation on the first day of July, one thousand nine hundred and seven.

SCHEDULE A.

PETITION.

To HIS HONOUR
 Etc., Etc., Etc.

Lieutenant-Governor of the Province of Ontario:

THE PETITION OF

.....

.....

.....

.....

Humbly sheweth as follows:

1. Your petitioners are desirous of obtaining by Letters Patent, under the Great Seal, a charter, under the provisions of *The Ontario Companies' Act*, constituting your petitioners and such others as may become shareholders in the Company thereby created, a body corporate and politic under the name of The Company (Limited), or such other name as shall appear to Your Honour to be proper in the premises.

2. Your petitioners have satisfied themselves and are assured that the corporate name under which incorporation is sought is not on any public ground objectionable, and that it is not that of any known company, incorporated or unincorporated, or of any partnership or individual, or any name under which any known business is being carried on, or so nearly resembling the same as to deceive.

3. Your petitioners have satisfied themselves and are assured that no public or private interest will be prejudicially affected by the incorporation of your petitioners as aforesaid.†

4. Your petitioners are of the full age of twenty-one years.

5. The object for which incorporation as aforesaid is sought by your petitioners is to

6. The head office of the Company will be at

7. The amount of the capital stock of the Company is to be dollars.

8. The said stock is to be divided into shares of dollars each.

9. The said

are to be provisional directors of the Company.

10. By subscribing therefor in a Memorandum of Agreement, duly executed in duplicate, with a view to the incorporation of the Company, your petitioners have taken the amount of stock set opposite their respective names, as follows:—

Petitioners.	Amount of stock subscribed for.
.....	\$.....
.....	\$.....
.....	\$.....
.....	\$.....

YOUR PETITIONERS therefore pray that Your Honour may be pleased by Letters Patent under the Great Seal to grant a Charter to your petitioners constituting your petitioners and such others as have or may become subscribers to the Memorandum of Agreement and stock-book of the Company thereby created, a body corporate and politic for the due carrying out of the undertaking aforesaid.

And your petitioners, as in duty bound, will ever pray.

Signatures of witnesses.

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.....
.....

Signatures of petitioners.

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Dated at this day of 18 ..

SCHEDULE B.

(To be executed in duplicate; one duplicate to be deposited in the office of the Provincial Secretary.)

THE.....COMPANY OF.....(LIMITED.)

MEMORANDUM OF AGREEMENT AND STOCK-BOOK.

WE the undersigned do hereby severally covenant and agree each with the other to become incorporated as a company under the provisions of *The Ontario Companies Act* under the name of THE....., or such other name as the Lieutenant-Governor may give to the.....COMPANY OF.....(LIMITED), or such other name as the Lieutenant-Governor may give to the Company with a capital of.....dollars, divided into.....shares of.....dollars each.

AND WE DO hereby severally, and not one for the other, subscribe for and agree to take the respective amounts of the capital stock of the said Company set opposite our respective names as hereunder and hereafter written, and to become shareholders in such Company to the said amounts.

In witness whereof we have signed.

Name of subscriber.	Seal.	Amount of sub- scription.	Date and place of subscription.		Residence of subscriber.	Name of witness.
			Date.	Place.		

TO HIS HONOUR Etc., Etc., Etc.

THE PETITION OF

.....

.....

.....

.....

.....*Humbly sheweth as follows:*

- And your petitioners, as in duty bound, will ever pray.

Signature of witnesses.

Signature of petitioners.

Dated at this day of 18 .

SCHEDULE D.

Memorandums of Agreement of the
Association, made and entered into this day of
1906.

(1) We the undersigned do hereby severally covenant and agree each with the other to become incorporated under the provisions of *The Ontario Companies' Act* as a corporation without share capital for the purposes and objects following:—

(2) The subscribers shall be the first members, and it shall rest with the directors to determine the terms and conditions on which subsequent members shall from time to time be admitted.

(3) The following shall be the first directors of the corporation:—

(4) Any member may transfer his interest in the corporation by instrument in writing, signed both by the transferor and transferee and duly registered with the corporation.

(5) The first general meeting shall be held at such time, not being more than two months after the incorporation of the corporation, and at such place as the directors may determine.

(6) Subsequent general meetings shall be held at such time and place as may be prescribed by the corporation in general meeting; and if no other time or place is prescribed, a general meeting shall be held on the fourth Wednesday in January in every year, at such place as may be determined by the directors.

(7) The directors may, whenever they think fit, and they shall upon a requisition made in writing by any five or more members, convene a general meeting.

(8) Any requisition made by the members shall express the object of the meeting proposed to be called and shall be left at the office of the corporation.

(9) Upon the receipt of such requisition the directors shall forthwith proceed to convene a general meeting. If they do not proceed to convene the same within twenty-one days from the date of the requisition, the requisitionists or any other five members may themselves convene a meeting.

(10) Ten days' notice at the least, specifying the place, the day, and the hour of meeting, and in case of special business the general nature of such business shall be given to the members in the manner hereinafter mentioned, or in such other manner, if any, as may be prescribed by the corporation in general meeting, but the non-receipt of such notice by any member shall not invalidate the proceedings at any general meeting.

(11) If within one hour from the time appointed for the meeting a quorum of members is not present, the meeting, if convened upon the requisition of the members, shall be dissolved. In any other case, it shall stand adjourned to the same day in the following week, at the same time and place; and if at such adjourned meeting a quorum of members is not present, it shall be adjourned *sine die*.

(12) The chairman (if any) of the directors shall preside as chairman at every general meeting of the corporation.

If there is no such chairman, or if at any meeting he is not present at the time of holding the same, the members present shall choose some one of their number to be chairman at such meeting.

(13) The chairman may, with the consent of the meeting, adjourn any meeting from time to time, and from place to place, but no business shall be transacted at any adjourned meeting other than the business left unfinished at the meeting from which the adjournment took place.

(14) At any general meeting, unless a poll is demanded, a declaration by the chairman that a resolution has been carried, and an entry to that effect in the minutes of proceedings of the corporation, shall be sufficient evidence of the fact, without proof of the number or proportion of the votes recorded in favor of or against such resolution.

(15) If a poll is demanded, the same shall be taken in such manner as the chairman directs, and the result of such poll shall be deemed to be the resolution of the corporation in general meeting.

(16) With the consent in writing of all members, a general meeting may be convened on shorter notice than seven days, and in any manner which such members think fit.

(17) The quorum of a general meeting shall be members present in person.

(18) Until otherwise determined by special resolution, every member shall have one vote.

(19) Votes may be given either personally or by proxy. The instrument appointing a proxy shall be in writing, under the hand of the appointor, or if such appointor is a corporation, under its common seal, and shall be attested by one or more witnesses or witnesses; no person shall be appointed a proxy who is not a member of the corporation.

(20) A resolution signed by all the directors shall be as valid and effectual as if it had been passed at a general meeting of the directors duly called and constituted.

(20) The future remuneration of the directors, and their remuneration for services performed previously to the first general meeting, shall be determined by the corporation in general meeting.

(21) The affairs of the corporation shall be managed by the directors, who may pay all expenses incurred in incorporating the corporation, and may exercise all such powers of the corporation as are not by the foregoing Act, or by these articles; required to be exercised by the corporation in general meeting, subject, nevertheless, to any regulations of this memorandum, to the provisions of the foregoing Act, and to such regulations, being not inconsistent with the aforesaid regulations or provisions, as may be prescribed by the corporation in general meeting; but no regulation made by the corporation in general meeting shall invalidate any prior act of the directors which would have been valid if such regulation had not been made. The continuing directors may act notwithstanding any vacancy in their body.

(2) The office of director shall be vacated:—

(a) If he holds any other office or place of profit under the corporation;

(b) If he is concerned in or participates in the profits of any contract with the corporation;

But the above rules shall be subject to the following exceptions:— that no director shall vacate his office by reason of his being a shareholder of any corporation which has entered into contracts with or done any work for the corporation of which he is a director; nevertheless, he shall not vote in respect of such contract of work, and if he does so vote his vote shall not be counted, and in

addition thereto, a director shall vacate his office if and when he is requested by the corporation in general meeting to resign.

(23) A retiring director shall be re-eligible.

The corporation at the general meeting at which any directors retire in manner aforesaid shall fill up the vacated offices by electing a like number of persons.

(24) If at any meeting at which an election of directors ought to take place the places of the vacating directors are not filled up, the meeting shall stand adjourned till the same day in the next week, at the same time and place; and if at such adjourned meeting the places of the vacating directors are not filled up, the vacating directors, or such of them as have not had their places filled up, shall continue in office until the ordinary meeting in the next year, and so on from time to time until their places are filled up.

(25) The corporation may, from time to time, in general meeting, increase or reduce the number of directors, and may also determine in what rotation of any such increased or reduced number is to go out of office.

(26) Any casual vacancy occurring in the board of directors may be filled up by the directors, but any person so chosen shall retain his office so long only as the vacating director would have retained the same if no vacancy had occurred.

(27) The corporation in general meeting may, by a special resolution, remove any director before the expiration of his period of office, and may, by an ordinary resolution, appoint another person in his stead; the person so appointed shall hold office during such time only as the director in whose place he was appointed would have held the same if he had not been removed.

(28) The directors may meet together for the dispatch of business, adjourn, and otherwise regulate their meetings as they think fit, and determine the quorum necessary for the transaction of business. Questions arising at any meeting shall be decided by a majority of votes. In case of an equality of votes the chairman shall have a second or casting vote. A director may at any time summon a meeting of the directors.

(29) The directors may elect a chairman of their meetings, and determine the period for which he is to hold office; but if no such chairman is elected, or if at any meeting the chairman is not present at the time appointed for holding the same, the directors present shall choose some one of their number to be chairman of such meeting.

(30) The directors may delegate any of their powers to committees consisting of such member or members of their body as they think fit. Any committee so formed shall, in the exercise of their powers so delegated, conform to any regulations that may be imposed on them by the directors.

(31) A committee may elect a chairman of their meetings. If no such chairman is elected, or if he is not present at the time appointed for holding the same, the members present shall choose one of their number to be chairman of such meeting.

(32) A committee may meet and adjourn as they think proper. Questions arising at any meeting shall be determined by a majority of votes of the members present, and in case of an equality of votes the chairman shall have a second or casting vote.

(23) All acts done by any meeting of the directors, or of a committee of directors, or by any person acting as a director shall, notwithstanding that it be afterwards discovered that there was some defect in the appointment of any such directors or persons acting as aforesaid, or that they, or any of them, were disqualified, be as valid as if every such person had been duly appointed and was qualified to be a director, but it shall not be necessary to give notice of a meeting of the directors to a director who is not within the Province.

In testimony whereof we have hereunto set our hands and affixed our seals.

SCHEDULE E.

REPEAL.

Session and Chapter.	Short Title.	Extent of Repeal.
Revised Statutes of Ontario, Cap. 191.	The Ontario Companies Act.	The whole Act.
The Revised Statutes of Ontario, Cap. 194	The Timber Slides Companies Act.	Sec. 1-17, 20-35 and 60, 62, 63, 64.
Revised Statutes of Ontario, Cap. 195.	An Act respecting Joint Stock Companies for the construction of Piers, Wharfs, Dry Docks and Harbors.	Sec. 1-7, 12-14.
Revised Statutes of Ontario, Cap. 196.	An Act respecting Joint Stock Companies for the erection of Exhibition Buildings.	Sec. 1-3, 5-7.
Revised Statutes of Ontario, Cap. 197.	The Mining Companies Incorporation Act.	The whole Act.
Revised Statutes of Ontario, Cap. 199.	An Act respecting Joint Stock Companies for supplying Cities, Towns and Villages with Gas and Water.	Sec. 1-11, 14-17, 20-43, 55-58.
Revised Statutes of Ontario, Cap. 200.	An Act respecting Companies for supplying Steam, Heat, Electricity or Natural Gas for Heat, Light or Power.	Sec. 1-3, 5-8.
Revised Statutes of Ontario, Cap. 201.	An Act respecting Cheese and Butter Manufacturing Associations and Companies.	The whole Act.
Revised Statutes of Ontario, Cap. 202.	An Act respecting Co-operative Associations.	The whole Act.
Revised Statutes of Ontario, Cap. 206.	The Ontario Trust Companies Act.	The whole Act.
Revised Statutes of Ontario, Cap. 211.	An Act respecting Benevolent, Provident and other Societies.	The whole Act.
Revised Statutes of Ontario, Cap. 213.	An Act respecting Cemetery Companies.	Sec. 1-2, s.s. 1-3, 14-20, 25, 26, 30.
Revised Statutes of Ontario, Cap. 215.	An Act respecting the changing of the names of Incorporated Companies.	The whole Act.
Revised Statutes of Ontario, Cap. 216.	The Directors Liability Act.	The whole Act.
Revised Statutes of Ontario, Cap. 217.	An Act to prevent fraudulent statements by Companies and others.	The whole Act.
Revised Statutes of Ontario, Cap. 218.	An Act respecting Fees payable by Incorporated Companies and other Bodies.	The whole Act.
Revised Statutes of Ontario, Cap. 219.	An Act respecting Returns required from Incorporated Companies.	The whole Act.
Revised Statutes of Ontario, Cap. 221.	An Act respecting Investments by Corporations.	The whole Act.
Revised Statutes of Ontario, Cap. 222.	The Joint Stock Companies Wind-up Act.	The whole Act.
4 Edw. VII., Cap. 11.	The Statute Law Amendment Act, 1904.	Sec. 45, 46, 47, 48.
61 Vic., Cap. 19.	An Act to Amend the Ontario Companies Act.	The whole Act.

SCHEDULE E.—*Concluded.*

REPEAL.

Session and Chapter.	Short Title.	Extent of Repeal.
61 Vic., Cap. 20.	An Act to amend the Timber Slides Companies Act.	The whole Act.
62 Vic. (2), Cap. 11.	An Act to amend the Statute Law.	Sec. 19, 20 and 21.
63 Vic., Cap. 23.	An Act to amend the Ontario Companies Act.	The whole Act.
63 Vic., Cap. 26.	An Act to provide for the incorporation of Co-operative Cold Storage Associations.	Sec. 1-16 Schedule A.
1 Edw. VII., Cap. 18.	An Act to amend the Ontario Companies Act.	The whole Act.
2 Edw. VII., Cap. 24.	An Act to amend the Ontario Companies Act.	The whole Act.
3 Edw. VII., Cap. 7.	The Statute Law Amendment Act, 1903.	Sec. 34, 35, 36.

3rd Session, 11th Legislature,
7 Edward VII., 1907.

BILL.

An Act respecting Joint Stock and other
Companies.

First Reading, 28th January, 1907.
Second Reading, 5th February, 1907.

*(Reprinted as amended by Committee of
the Whole House.)*

Mr. HANNA.

TORONTO:

PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

An Act to Supplement the Revenues of the Crown.

WHEREAS large sums of money have been and are Preamble.
 being expended by the Province in administering
 mining affairs, encouraging mineral industries, and open-
 ing up railways and other facilities to mining regions,
 5 and it is expedient to increase the revenues of the Prov-
 ince;

Therefore His Majesty, by and with the advice and con-
 sent of the Legislative Assembly of the Province of On-
 tario, enacts as follows:—

- 10 1. This Act may be cited as "*The Supplementary Rev-* Short Title.
enue Act, 1907."

INTERPRETATION.

2. Where the words following occur in this Act and Interpretation.
 in any schedule thereto, they shall be construed in the
 15 manner hereinafter mentioned, unless a contrary inten-
 tion appears:

- "Mine" shall mean any opening in or working of the "Mine."
 ground from or by which metalliferous ore or other solid
 mineral substance is taken, and shall include the min-
 20 ing claim, mining location or other the whole parcel of
 land or mineral in which any such workings are being
 or have been carried on;

- "Mine Assessor" shall mean and include any officer of "Mine Asses-
 sor."
 such designation appointed under the authority of this
 25 Act, and any other officer or person appointed or directed
 by the Minister of Lands, Forests and Mines to perform
 any duty or exercise any power or authority by this Act
 specified or provided to be performed or exercised by a
 Mine Assessor;

- 30 "Minister" shall mean the Minister of Lands, Forests "Minister"
 and Mines;

- "Output." "Output" when used in reference to a mine, shall mean all ores or other solid mineral-bearing substances raised, taken or gained from any mine or land in the Province and which have been sold, or have been removed from the mining premises where produced, or have been treated or partially treated at any smelter, mill, or refinery wherever situated; 5
- "Person." "Person" shall include corporation, company, syndicate, trust, firm, partnership, co-owners or party, and the heirs, executors, administrators or other legal representatives of such person if the context can apply thereto; 10
- "Preceding year." "Preceding Year" shall mean the year ending December 31st next, before the time when the taxes hereby imposed are payable. 15

IMPOSITION, ACCRUAL AND PAYMENT OF TAXES.

- Tax to be paid to Crown. (3) Notwithstanding anything in any other Act, or in any regulation or law contained, there shall be paid to the Crown in this Province in and for each every year, at the times, and in the manner hereinafter provided, the several taxes in this Act specified. 20
- Tax when payable. (4) The taxes by this Act imposed shall be payable to the Minister of Lands, Forests and Mines, and the taxes provided for in part I of this Act for the year 1907, shall become payable on the first day of December, 1907, and for subsequent years on the first day of October in each year hereafter. (See 62 Vict. c. 8, s. 13; 63 Vict. c. 6, s. 8.) 25
- Accrual of tax. (5) The taxes imposed by this Act shall be deemed to accrue, as to the taxes payable in the year 1907, from and after the passing of this Act, and as to the taxes in each year, thereafter on the first day of January of the year in which the same are payable. (See 62 Vict. c. 6, s. 12.) 30

PART I.

35

- Tax on profits. (6) Every mine in the Province, the annual profits of which exceed \$ shall be liable for and the owner, manager, holder, tenant, lessee, occupier and operator of the same shall pay an annual tax fixed and assessed as follows, that is to say: 40

When the excess of annual profits of such mine above said \$ is not more than \$, a sum equal to per cent. of such excess;

When the excess above \$ is more than \$
 , but not more than \$, a sum equal to
 per cent. of such excess;

5 When the excess above \$ is more than \$
 , but not more than \$, a sum equal to per
 cent. of such excess;

When the excess above \$ is more than
 \$, but not more than \$, a sum equal
 to per cent. of such excess;

10 When the excess above \$ is more than \$
 , but not more than \$, a sum equal to
 per cent. of such excess;

When the excess above \$ is more than
 \$, but not more than \$, a sum equal
 15 to per cent. of such excess;

When the excess above \$ is more than
 \$, a sum equal to per cent. of such excess;

(2) For the purpose of this section all mines and min- Mines worked together.
 eral workings within the Province occupied, worked or
 20 operated by the same person, or under the same general
 management or control shall, for determining whether
 there is liability to taxation hereunder, and for fixing
 and assessing the amount of such tax, be deemed to be,
 and be dealt with as one, and the same mine, and not as
 25 separate mines.

(3) The annual profits shall be ascertained and fixed in Ascertainment of profits.
 the following manner, that is to say:—The gross receipts
 from the year's output of the mine, or in case the output
 or any part thereof is not sold, but is treated by, or for
 30 the owner, tenant, holder, lessee, occupier, or operator of
 the mines upon the premises or elsewhere, then the actual
 market value of the output, at the pit's mouth, or if
 there is no means of ascertaining the market value, or if
 there is no established market price or value, the value of
 35 the same as appraised by the Mine Assessor shall be as-
 certained, and from the amount so ascertained the fol-
 lowing, and no other, expenses, payments, allowances or
 deductions, shall be deducted and made, that is to say:—

(a) The actual cost of transportation of any output Deductions.
 40 sold if paid or borne by the owner, tenant,
 holder, lessee, occupier or operator;

(b) The actual and proper working expenses of the
 mine, both underground and above ground,
 including salaries and wages of necessary sup-
 45 erintendents, captains, foremen, workmen,
 firemen, engine-men, labourers, and employ-

ees of all sorts employed at or about the mine, together with the actual and proper salaries and office expenses for necessary office work done at the mine, and in immediate connection with the operation thereof; 5

- (c) The cost of supplying power and light, and of hire of horses used in the mining operation or in handling the ore or mineral;
- (d) The actual cost price of food and provisions for all employees aforesaid, whose salaries or wages are made less by reason of being furnished therewith, and of fodder for horses used as above mentioned;
- (e) The actual cost price of explosives, fuel, and any other supplies necessarily consumed in the mining operations; 15
- (f) Any actual and proper outlay incurred in safe-guarding or protecting the mine or mineral product;
- (g) The cost, if actually paid, of proper insurance upon the output and mining plant, machinery, equipment and buildings used for or in connection with the actual mining operations or for storing the ore or mineral; 20
- (h) An allowance of a sum for annual depreciation, by ordinary wear and tear, of the said plant, machinery, equipment, and buildings, such sum to be based upon the probable annual average cost of repairs and renewals necessary to maintain the same in a condition of efficiency and in no case to exceed for any year, five per cent. of the value of commencement of such year, such value to be appraised by the Mine Assessor; 25
- (i) The cost of actual work done in sinking new shafts, making new openings, workings or excavations of any kind, or of stripping or trenching, in or upon the lands upon which the mine is situated, or upon any other lands belonging to the same owner, lessee, holder, tenant, occupier or operator, within the Province, such work having for its object, the opening up or testing for ore or mineral. Provided, however, that such expenditure is *bona fide*, and actually made or borne by the person or persons, or some or one of them, liable, or who would but for this provision be liable to taxation upon the said mine under this Act, and that separate accounts of 35 40 45

such expenditure are kept and an affidavit or affidavits giving reasonable details of the nature, extent, and location of such work shall be furnished to the Bureau of Mines with the annual statement hereinafter provided for;

(j) It is hereby declared that no allowance or deduction shall in any case be made for cost of plant, machinery, equipment or buildings, or for capital invested, or for interest or dividend upon capital, or stock or investment, nor for depreciation in the value of the mine, mining land or mining property by reason of exhaustion or partial exhaustion of the ore or mineral, but this shall not restrict the generality of anything hereinbefore in this section contained.

Capital not deducted.

(4) For the purpose of this section, unless a contrary intention appears, the operations, business, matters and things carried on, occurring or existing during the calendar year ending 31st December, prior to the date at which the tax is payable, shall be taken as the basis of fixing, assessing and ascertaining the taxation hereunder, but the tax payable shall nevertheless be deemed to be a tax for the calendar year in which it is payable.

Based on preceding year.

7.—(1) The owner, lessee, tenant, holder, occupier, manager and operator of every mine, mining claim, mining location, mining leasehold, or other mining property from which ore, minerals or mineral-bearing substances is or are being taken at the date of the passing of this Act, shall within one month after such passing, and the owner, holder, manager, lessee, tenant and occupier and operator of every such mine or mining property commencing active operation as aforesaid at any time after the passing of this Act, shall within ten days after the commencement of such active operations, notify the Bureau of Mines of the fact that such mine is in active operation, and shall give in such notice the name of the mine, and the name and address of the owner, holder, manager, lessee, tenant, occupier and operator of such mine, and the name and address of the manager, or of some other person, to whom notices to be given under this Act may be sent, and shall forthwith notify such Bureau of every change in the name and address of such manager or person, and of every change in the ownership, holding, tenancy, management, occupation or operation of such mine, and of every discontinuance of active operations, and of every recommencement thereof after discontinuance for a period of two months or more.

Notice of active operations.

(2) From the information so given, and from any other available source, the Bureau of Mines shall prepare and

List of mines.

keep a list showing all operating mines in the Province, with the names and addresses and particulars as so notified and given, (keeping in a distinct and separate column or place, the name and address for service) and any notice or requisition, required or provided for by this Act, shall be deemed to have been properly and sufficiently given, and served upon the owner, lessee, holder, tenant, occupier, manager or operator of such mine, if mailed by registered letter to such name and address, or, in case such a name and address be not so notified, then if mailed by registered letter to the address which the official or person sending the notice or requisition thinks most likely to reach the proper person. (See R.S.B.C. 179, s. 11; *The Mines Act, 1906*, s. 206.)

Shipping
forbidden
before notice.

8. It shall from and after the expiration of thirty days after the passing of this Act be unlawful for any person to ship, send, take or carry away, or permit so to be shipped, sent, taken or carried away from the mine from which the same may have been taken after the passing of this Act, ore, minerals or mineral-bearing metal or metal-bearing substances so taken, until such person has so notified the Bureau of Mines that the mine from which the same has been taken is in active production. (R.S.B.C. c. 179, s. 12.)

Statement to
be furnished.

9.—(1) Every person liable to pay the tax specified in section 6 of this Act shall, without any notice or demand to that effect, in addition to any other statements which may otherwise be required on or before the first day of August, 1907, and on or before the first day of March in every year thereafter, deliver to the Bureau of Mines, a detailed statement in which shall be set forth:

- (a) The name and description of the mine;
- (b) The name and address of the person or persons owning, holding, leasing, managing, occupying and operating the same;
- (c) The quantity of ore, minerals or mineral-bearing substances shipped or sent from or treated on the mining premises during the year ending 31st December last preceding;
- (d) The name or names of the smelter or mill and locality to which the same or any part thereof was sent;
- (e) The cost per ton for transportation to the smelter, refinery or mill, and actual, proper and necessary expenses of making sale, if any, and by whom paid or borne;

(f) The cost per ton for smelter or mill charges, and by whom paid or borne;

(g) The quantity of ore, minerals or mineral-bearing substances treated on the mining premises during the said year;

(h) The value of the ore shipped after deducting the charges for making sales, and for transportation or for treatment;

(i) The value of the ore treated on the mining premises after deducting the charges for treatment;

And such statement shall also show in another column or columns with reasonable detail, the various expenses, payments, allowances, and deductions which are proper to be made under the provisions of subsec. 3 of sec. 6 of this Act; and such statement shall show by way of summary, the total receipts or market value at the pit's mouth of the year's output, as in this Act specified, and the total amount of expenses, payments, allowances and deductions proper under this Act to be deducted therefrom, and the balances of profits for the year as in this Act provided, and may also show the amount of income tax, if any, actually paid or borne by him in respect of income derived from said mine during said year to the municipality or municipalities in which the said mine or any part thereof is situated. (See 62 Vict. c. 8, s. 15; B.C. 1900, c. 38, s. 6.)

(2) Such statement and information required by this section shall be made and furnished by and under the oath of the owner, manager, holder, lessee, tenant, occupier or operator of such mine; but the Bureau of Mines or any Mining Assessor may require such information and statement, or any part thereof, to be given or verified under oath by any other or others of such persons, or any person connected with the ownership, operation or management of any such mine, and may in addition to the particulars above detailed require any other information, particulars or statements that may be thought expedient, and such requisition or requisitions may be made at any time or times the same may be deemed proper. (See 62 Vict. c. 8, s. 15; B.C. 1900, c. 38, s. 6.)

(3) The Minister of Lands, Forests and Mines may for good cause enlarge the time for making such return or statement.

10.—(1) Every person owning or managing or operating a mine or mines, liable to pay the tax in section 6 of this Act mentioned shall keep, at or near the mine or mines, proper books of account of the ore, minerals or mineral-bearing substances taken from the said mine or mines, Books to be kept.

containing the particulars of ore and value, and showing the smelter, mill, or refining works, or other returns of the amounts derived from the sale of such ores, minerals, or mineral-bearing substances; and no ore, minerals or mineral-bearing metal or metal-bearing substances taken 5 out of any mine shall be removed therefrom or treated at any smelter, mill or refining works until the weight thereof shall have been correctly ascertained and entered in the said books of account; and such person shall also keep proper books showing each of the several expenses, pay-10 ments, allowances or deductions mentioned in sec. 6, subsec. 3 of this Act, and showing any other facts and circumstances necessary or proper for ascertaining the amount of the tax payable under said section 6 of this Act. (See B.C. 1905, c. 2, s. 2.) 15

(2) If any doubt arises as to where such book or books shall be kept, or as to how many, or what books shall be kept, the Mine Assessor shall determine the number and character of books to be kept and the place or places at which they shall be kept. 20

MINE ASSESSOR AND HIS DUTIES.

Mine assessor
and duties.

11. The Lieutenant-Governor in Council may from time to time appoint one or more officers under this Act, to be known as a Mine Assessor or Mine Assessors, and the Minister of Lands, Forests and Mines may from time to time 25 appoint any officer or person, to perform for the time being, or to perform in any locality or in any special matter or case, the duties of Mine Assessor, and every such officer or person shall be deemed an officer of the Bureau of Mines, and it shall be his duty, subject to the direction of said 30 Minister, annually, and oftener if so required, to prepare lists and descriptions of and ascertain and report the facts and particulars concerning all mines, mining properties and mineral rights liable, or which might be liable, to taxation under this Act, and to furnish the same to the 35 Bureau of Mines, and to make such investigations, and perform such other duties, as are provided for by this Act, or as may be prescribed by the said Minister.

Assessor may
enter mines.

12. It shall be at all times lawful for any Mine Assessor to enter upon mining premises for the purpose of making 40 enquiries, obtaining information and otherwise performing his duties under this Act, and for any of these purposes he may descend all pits, and shafts, and use all tackle, machinery, appliances and things belonging to the mine as he shall deem necessary or expedient, and he shall have 45 free ingress and egress to, from and over all buildings, erections and vessels used in connection with the workings, and he shall from time to time be allowed to take from the said mining premises such samples or specimens as he may

desire for the purpose of determining by assay or otherwise the value of the ore, minerals or mineral-bearing, metal, or metal-bearing substances being taken therefrom, and he shall have full and complete access to all books of
 5 account and letters kept or used for or in connection with the work and business of such mine and may examine the same and take copies thereof or extracts therefrom, but any information of a private or confidential nature acquired by any Assessor under the provisions of this section
 10 shall not be communicated or disclosed to anyone except so far as may be necessary for the purposes of this Act. (See B. C. 1905, c. 2, s. 2.)

TAX ROLL AND APPEALS.

13.—(1) The Bureau of Mines, or any Mine Assessor or Tax roll.
 15 other officer or person acting under the direction of the Minister of Lands, Forests and Mines in that behalf, shall as soon as practicable after the receipt of the returns and statements in section 9 of this Act mentioned, prepare from these and from the lists, statements and reports of
 20 the Mine Assessor, and from any other available information, a tax roll showing all mines and persons liable for the taxes specified in section 6 of this Act, and showing the amount of output for each mine, the amount of deductions therefrom under the various headings, as far as practicable,
 25 under subsection 3 of section 6 of this Act, the annual profits for which each mine and person is assessable, and the amount of tax payable by each, also any deduction entitled to be made therefrom by reason of payment of municipal income, together with such other particulars as may be
 30 deemed proper; provided that, in making up the said roll, the statement furnished pursuant to section 9 of this Act shall not be binding, nor shall default or defect in the furnishing of such statement or any omission therefrom, prevent the complete preparation of the roll, but in all
 35 cases the officer, or person charged with the duty of preparing said roll, shall make full and careful enquiry, and shall resort to all available sources of information within his control, and may make, or order a Mine Assessor to make, any investigation he deems fit, and may, subject to
 40 the approval of the Minister of Lands, Forests and Mines, notwithstanding any statement received, fix such amount as he believes to be just and correct; provided that whenever a mine or person is assessed for a larger sum than the statement required by section 9 shows liability for, notice
 45 thereof shall be given to such person, and such person shall be entitled within fifteen days from the mailing of such notice to appeal from said assessment as hereinafter provided.

Appeals.

(2) When the time for filing such appeals has expired, the cases appealed shall be marked or distinguished from the others on the said roll, and the roll shall thereupon be made up in duplicate, and the Minister of Lands, Forests and Mines and the Deputy Minister of Mines shall by their 5 signatures authenticate the same as being the roll for the year, and subject to the determination of such appeals, and subject to any additions or alterations that may be made by or pursuant to any investigation that may be ordered or directed as hereinafter provided for, the said 10 roll shall be final and conclusive as to the liability of the several mines and persons therein mentioned to pay the tax therein specified.

Notice of appeal.

(3) Appeal, as provided for in the first subsection of this section, shall be made by lodging with the Bureau of Mines 15 within the time limited, a notice in writing, stating that the appellant thereby appeals from the tax in question, and stating as far as practicable the grounds of such appeal or the particulars of objection to the tax, and such appeals shall be referred in writing by the Minister of Lands, 20 Forests and Mines to the Mining Commissioner or to the Railway and Municipal Board, to be tried and determined.

Investigation in lieu of appeal.

(4) The Minister of Lands, Forests and Mines, if in any case he sees fit, instead of having the amount of the tax for any mine or person entered on the roll, as in the first para- 25 graph of this section mentioned, may direct in writing that the amount of the tax for which such mine or person is liable shall be ascertained and fixed by the Mining Commissioner or by the Railway and Municipal Board; and the said Minister may at any time either before or 30 after the said roll is made up and signed, and whether or not the mine or person in question is entered thereon for taxation, direct in writing that the truth or correctness of any statement furnished pursuant to section 9 of this Act, or that the question of liability or amount of liability of 35 any mine or person for the tax under this Act, shall be enquired into and investigated and reported upon by the Mining Commissioner or the Railway and Municipal Board.

Hearing of appeal.

(5) The Mining Commissioner or Railway and Muni- 40 pal Board shall upon receiving any such direction or reference as is in subsection 3 of subsection 4 of this section mentioned, proceed to try and dispose of the appeal, or determine or enquire into and investigate the question or matter so referred or directed to be investigated, and for 45 all and any of said purposes shall have the same power to enforce the attendance of witnesses, and to compel them to give evidence, and produce documents and things, as is vested in any Court in civil cases, and the decision, finding or report of such Mining Commissioner or Railway 50

and Municipal Board, after giving the parties an opportunity to be heard, shall for the purposes of this Act be final and conclusive as to the particulars therein mentioned, subject only as hereinafter in this section provided.

5 (6) In any such proceedings or investigation, or on any appeal, the said Mining Commissioner or the said Railway and Municipal Board may order the appellant, or the person causing the investigation by reason of false or incorrect statements, or failure to keep books and accounts or
 10 to otherwise conform with the provisions of this Act, to pay the costs of such appeal, proceeding or investigation, and may direct that the same be taxed by a taxing officer of the High Court of Justice and added to the tax for which such person is liable under this Act; and in any case where
 15 the statement filed or furnished; pursuant to section 9 of this Act, understates the amount on which the tax should be paid, the person making such false or incorrect statement shall pay double the tax to which he would otherwise be liable; but if it shall appear to the said Mining Com-
 20 missioner or the said Railway and Municipal Board, and he or they certify that such understatement was not made with the intent or for the purpose of decreasing the amount of tax to be paid, but was made in good faith and with no improper motive, then in such case the Lieutenant-Gov-
 25 ernor in Council may, upon the recommendation of the Minister of Lands, Forests and Mines, remit so much of the added percentage and so much of the costs as may in his discretion seem just.

(7) All decisions, findings and reports made pursuant to
 30 the last preceding subsection shall be filed with the Bureau of Mines, and notice of such filing shall forthwith thereafter be mailed by said Bureau of Mines to the owner or manager of the mine concerned.

(8) In any case where the amount of the tax involved
 35 exceeds \$....., an appeal shall lie from any decision, finding or report of the Mining Commissioner or the Railway and Municipal Board under this section to the Court of Appeal for Ontario; provided that notice of such appeal is lodged with the Bureau of Mines within fifteen days
 40 after the filing of said decision, finding or report with the Bureau of Mines, and the procedure upon and governing such appeal shall be, as far as may be, the same as upon other appeals to the Court of Appeal, but leave shall not be necessary, and the decision of the Court of Appeal shall
 45 be final. (See 4 Edw. VII., c. 23, s. 20; 62 Vict., c. 8, ss. 23, 24, 25; 4 Edw. VII., c. 23, s. 76.)

14. It shall be the duty of the Bureau of Mines, or the person charged with the collection of any tax imposed by section 6 of this Act, to notify the owner or manager of

the mine liable for such tax of the amount and time for payment thereof at least fifteen days prior to such date; but failure to comply with this provision shall not affect the liability for payment of any such tax at the time and in the manner in this Act provided; nor shall it prevent or 5 affect the collection or enforcement thereof or the happening of any forfeiture or accrual of interest or penalty for non-payment, or any other matter or thing whatsoever in this Act provided.

INCOME TAX MAY BE DEDUCTED.

10

Income tax
deducted.

15. When any person liable to payment of the tax in respect of any mine under section 6 of this Act has also actually paid or borne a tax for income, he shall be entitled to deduct from the amount thereof any sum or sums actually paid or borne by him, as income tax during the 15 preceding year, upon income derived from such mine, to any municipality or municipalities in which said mine or any part hereof is situated, provided that a proper receipt for or certificate of such payment signed by the municipal collector or treasurer to whom the same was paid is furnished to the Bureau of Mines with the annual statement 20 required by section 9 of this Act.

ACREAGE TAX.

16. Except as hereinafter provided,

Acreage
tax.

(a) Every mining location and mining claim in any un- 25 organized territory in the Province, held either mediately or immediately under patent granted or lease issued by the Crown under or pursuant to the provisions of any statute, regulation or law at any time in force authorizing the granting or leasing of Crown lands for mining purposes; 30

(b) All mineral rights, whether of all kinds or only one or more kinds of mines or minerals, howsoever granted or acquired, owned, or which are held under lease, agreement, or option in any lands in any unorganized territory in the Province by any person not owning the surface 35 rights in said lands, and

(c) All lands in any unorganized territory in the Province howsoever granted or acquired held for mining purposes or held in the expectation of the same becoming valuable for mining, and not used, or being reasonably 40 capable of being used, for any other purpose; shall be liable for, and the owner, holder, lessee or occupier thereof shall pay an acreage tax of ... cents per acre in each year.

But no such tax shall be payable in respect of

Farmed land
exempt.

(d) Such acreage as was during the preceding year actu- 45 ally and *bona fide* in use for farming purposes, or occupied

by buildings, or reasonably required or used in connection with such farming or buildings; but this paragraph shall not operate to except from taxation mineral rights or rights held apart from the surface rights as in paragraph (b) 5 above described.

10 Provided that there shall be no right to exemption under paragraph (d) unless a claim for such exemption shall have been made, and proof by affidavit or otherwise of the facts shall have been furnished, to the Bureau of Mines not later than 1st March of the year in which the tax is payable, nor unless such claim for exemption shall have been approved in writing by the Mine Assessor; but in the year 1907 such claim and affidavit may be filed at any time prior to 1st September, 1907. (See R.S.O., c. 26, s. 1.)

15 17.—(1) The trustees of any school section in any unorganized territory in the Province shall prepare a list of all mining locations, mining claims, mineral rights and other lands within their school section liable to said acreage tax, which shall be signed and certified by their Secretary or Secretary-Treasurer, and shall forward the same to the Bureau of Mines on or before the 30th day of April in each year. School trustees in unorganized districts to make list.

(2) There shall be paid by the Treasurer of the Province to the said trustees each year one-half of the amount certified by the Deputy Minister of Mines to have been actually received by the Province for such acreage tax during said school area, and it shall be the duty of the said Deputy Minister each year to certify such sum.

ACREAGE TAX ROLL.

30 18.—(1) From the lists furnished as in the last preceding section provided, from list and information prepared by the Mine Assessor, and from records in the Bureau of Mines and in the Department of Lands, Forests and Mines, and any other source of information, the Deputy Minister of Mines, or any assessor charged with such duty, shall prepare each year a tax roll of properties and persons liable to the acreage tax in section 16 provided for, but said roll shall at all times be subject to corrections or additions. Acreage tax roll.

40 (3) Any omissions or errors in such roll may by any person be notified to the Bureau of Mines, and may at any time be supplied or corrected.

19. Notwithstanding anything in the last preceding section, every person and property liable under section 16 for payment of acreage tax shall be and continue so liable whether entered in such roll or not, and said tax shall Liability for tax though not on roll.

without any notice or demand be payable at the time and in the manner by this Act provided.

Disputes and
appeals.

20. In case of any question or dispute arising as to the liability of any person or property to the tax under section 16, the Minister may in writing refer such dispute or question to the Mining Commissioner or Railway Board, and thereupon all the provisions of subsections (5), (6) and (7) of section 13 of this Act shall as far as may be applied thereto. 5

FORFEITURE FOR NON-PAYMENT.

10

Forfeiture
for non-pay-
ment of tax
advertisements.

21.—(1) The Deputy Minister of Mines shall prepare annually a list of all mines, mining locations, mining claims, mining lands and other lands and minerals in prospect upon which any tax by this Act imposed is two years or more in default, and with the approval of the Minister of Lands, Forests and Mines, he shall cause a list of the mines, mining locations, mining claims, mining land or lands or mineral rights in respect of which taxes are in arrear to be advertised in four successive issues of *The Ontario Gazette* and in one newspaper, if any, published in the district or county in which the property is situate, stating that unless the amount due with costs and expenses shall have been paid on or before a date to be in said advertisement specified, which day shall be either 30th of June or 31st of December, not less than six months nor more than a year after the first publication of said advertisement, said property shall upon the next day following the day so fixed become forfeited to and revested in the Crown. 15 20 25

Forfeiture.

(2) If after publication of such advertisement payment of the tax due in respect of any mine, mining location, mining claim, mining land, or other land or mineral rights in said advertisement mentioned or described, together with all additions, penalties and costs and the costs of advertising, is not made on or before the day fixed in said advertisement as the last day for payment, then on the next succeeding day after the day so fixed, or at any time thereafter the Minister of Lands, Forests and Mines may by a certificate under his hand and seal of office declare that such mine, mining location, mining claim, mining land or other land or mineral rights shall, notwithstanding anything in this Act or any other Act, law or regulation contained, be forfeited to and vested in the Crown in right of the Province, and thereupon the patent or lease whereby the said mine, mining location, mining claim, mining lands or other lands or mineral rights was or were granted or leased by the Crown or other title under which it is held shall be revoked and cancelled, and the premises comprised 30 35 40 45

therein shall vest in the Crown absolutely freed and discharged from any estate, right, title, impost, claim or demand therein or thereto, whether arising or accruing before or after such forfeiture shall be so declared. (See 53 Edw. VII., c. 2, s. 1; R.S.O. c. 36, ss. 32, 33.)

(3) Provided that no lands or mineral rights forfeited and vested in the Crown under this section shall be open to location staking or recording as a mining claim unless and until declared so open by Order in Council. Forfeited land not open to location.

10 (4) The Registrar of any Registry Division in which any lot or parcel of land in mineral right included in a certificate of forfeiture given under this Act is situate, or of the Local Master of Titles (as the case may be) to whom the said certificate or any exemplification or certified copy
15 thereof is tendered for registration shall duly receive and register the same against the land affected thereby. Registration of certificate of forfeiture.

(5) Such certificate shall, upon production, without proof of authenticity, or of the official character of the person signing the same, and any exemplification thereof certified by the Deputy Minister of Mines, shall, without
20 proof of the signature of the Deputy Minister, be received as evidence in any Court, and the same, or any recital of forfeiture contained in any subsequent patent or lease of the said lands or mining rights issued thereafter, shall in
25 any Court be absolute and conclusive evidence of the forfeiture to the Crown of the land so certified, declared or recited to have been forfeited. Certificate evidence.

23. In case any doubt or dispute arises as to the liability of any person to pay a tax or any portion of a tax demanded
30 under this Act, or where owing to special circumstances it is deemed inequitable to demand payment of the whole amount imposed under this Act, the Minister of Lands, Forests and Mines may compromise the matter by the acceptance of such amount as he may deem proper; and in
35 case the tax claimed has been paid under protest, he may refund the same or any part thereof to the person making such payment. (See 63 Vict. c. 6, s. 77.) Compromise of tax.

24. Chapter 26 of the Revised Statutes of 1897, and all amendments thereto are hereby repealed, except in regard
40 to any tax now due thereunder, as to which and as to the land and person or persons chargeable with such tax said Statutes are to remain in full force and effect. Algoma land tax repealed.

25. Where by any agreement made between the owner, holder, tenant, lessee, occupier or operator of a mine and
45 the Crown it is agreed that no tax shall be paid, such mine shall be exempt from the profit tax and acreage tax imposed by this Act. Mine under agreement exempt.

PART II.

NATURAL GAS.

Natural gas
subject to tax.

26. All natural gas in the Province of Ontario shall be subject to a tax of _____ cents for every thousand feet flowing, drawn or pumped from or produced by the well. 5

Meter to be
affixed.

27. A meter shall be affixed by the owner, lessee, tenant, occupier or operator of every well to every pipe or duct at or near the mouth of every well, through which all the gas flowing, drawn or pumped from such well shall pass, so as to indicate the total gross quantity of gas flowing, drawn or pumped from, or produced by the well. 10

Books to be
kept.

28. The owner, lessee, tenant, operator, or occupier of every well shall keep a book in which shall be truly and faithfully recorded the total quantity of gas flowing, drawn or pumped from, or produced by the well. 15

Inspection of
meters, books
etc.

29.—(1) The Mine Assessor shall have the right, at any and all times, and from time to time, as often as he shall think fit, to inspect the meter and all apparatus and machinery used in connection with the well, for the purpose of ascertaining the quantity of gas flowing, drawn or pumped from, or produced by any well. 20

(2) He shall also have the right to call for and examine all books, records and memoranda, whether the same are required by law to be kept or not, kept by the owner, lessee, tenant, operator, or occupier or any one or more of them, for the purpose of ascertaining the quantity of gas flowing, drawn or pumped from, or produced by any well. 25

Defective
meters to be
remedied.

30.—(1) The meter may be inspected and tested, at any time or times, by or at the request of the Mine Assessor, as he shall think fit, for the purpose of ascertaining whether it correctly records the quantity of gas flowing, drawn or pumped from, or produced by the well, and in case he shall find that the same is not truly recording the quantity of gas flowing, drawn or pumped from, or produced by such well, he may by a writing under his hand order that the same shall be forthwith put in order so as to furnish a true record, or he may order that a new meter shall forthwith be affixed to the pipe or duct; and the owner, lessee, tenant, operator or occupier shall forthwith cause the order to be obeyed. 35 40

Meter not
correctly
placed.

(2) If the Mine Assessor shall find that the meter is so placed that the total quantity of gas flowing, drawn or pumped from, or produced by the well does not pass through the meter, he may by a writing under his hand order that

the same shall be so placed that the whole of the gas proceeding from the well shall pass through the same, and the owner, lessee, tenant, occupier or operator shall forthwith cause the order to be obeyed.

5 **31.** Any order so made by the Mine Assessor may be delivered to the owner, lessee, tenant, operator or occupier, or to any manager, clerk, or other person in the employment of the owner, lessee, tenant, operator or occupier, at the well, or in charge of the same, or to any manager or
10 clerk at the office of the owner, lessee, tenant, operator or occupier.

32. Every owner, lessee, tenant, occupier or operator of any well, and every manager or superintendent thereof shall furnish to the Minister of Mines in each year on the
15 second day of July and the second day of January, a true statement under oath of the total quantity of gas which flowed, was drawn or pumped from, or produced by such well during the six months immediately preceding such dates; and the first of such statements shall be made on the
20 second day of July after the passing of this Act.

33.—(1) It shall be the duty of the Mine Assessor to examine the same, and ascertain whether or not the same is a true and correct statement of the quantity of gas which proceeded from the well for such period, and if he finds
25 the same to be correct, the quantity so stated shall be the quantity upon which the tax shall be computed for such period, and the Mine Assessor shall thereupon notify the owner, lessee, tenant, operator or occupier of the same.

(2) If the Mine Assessor shall be of opinion that the same is incorrect, he shall notify the person furnishing the statement thereof, and in what particular the same is deemed to be incorrect, and, if the owner, lessee, tenant, occupier or operator assents thereto, the statement may be amended and re-sworn to, and when so amended the quantity so stated shall be the quantity upon which the tax shall be computed for such period.
30
35

(3) If the owner, lessee, tenant, operator or occupier disputes the notice so given, the dispute shall be heard by the Mining Commissioner or the Railway and Municipal Board as the Minister of Lands, Forests and Mines shall direct,
40 and such decision shall be final and conclusive, and the quantity so found shall be entered on the statement as the true quantity, and the tax for such period shall be computed thereon.

34. Within ten days after the first day of January in each year after the passing of this Act, the owner, lessee, tenant, operator or occupier shall pay to the Minister of
45

Lands, Forests and Mines the full tax for the quantity of gas shown in the statement as having proceeded from the well during the preceding year. If any dispute is pending on that date as to the true quantity, the tax shall nevertheless be paid upon the amount shown in such statement, 5 and as soon as such dispute shall have been determined by increasing the quantity, the remainder of the tax shall be forthwith paid, and if a less quantity shall be found to have proceeded from the well, the excess of the tax received shall be forthwith remitted to the person paying the tax. 10

Remission
for gas used
in Province.

35.—(1) If at the time when any tax is due under Part II of this Act, the person liable to pay the same shall, upon oath, show to the satisfaction of the Minister the quantity of gas used during the preceding year within the Province of Ontario, and shall not, during the preceding year, have 15 infringed in any way the provisions of this Act or any of them, and is not in default or arrear in any payment, the Minister, on being satisfied that the quantity so shown has in fact been wholly used within the Province during the preceding year, may remit to the person who has paid the 20 tax a sum equivalent to one-half of the tax upon the quantity so proved to have been used within the Province in the preceding year.

Assessor may
inquire as to
gas used in
Province.

(2) For the purpose of ascertaining whether the quantity stated to have been used within the Province has ac- 25 tually been so used, the Mine Assessor may make any examination or enquiry necessary to ascertain the correctness of the statement, and the owner, lessee, tenant, occupier or operator shall produce and show to the Assessor all books, documents, records and memoranda kept by him or under 30 his control, and in case of refusal, neglect or default to furnish any information asked for by the Mine Assessor, or to produce and show any books, documents, records or memoranda kept by him or under his control, he shall not be entitled to any remission. 35

PART III.

PERCENTAGE, REMEDIES AND PENALTIES.

Ten per cent.
to be added
for default.

36.—(1) In case any tax by this Act imposed is not paid at the time in this Act provided, ten per cent. shall forthwith be added thereto, and in case of taxes payable under 40 Part I of this Act, said amount shall have added to it ten per cent. on every subsequent first of October while it remains in default, and in case of taxes payable under Part II of this Act, ten per cent. shall be added at the expiration of each year thereafter that the tax remains unpaid, 45 and the said increased amounts shall for all purposes be and become the tax due and payable under this Act. (See 4 Edw. VII. c. 23, s. 134 (2)).

(2) It shall be the duty of the Deputy Minister of Mines or such other person as may be directed by the Minister to keep a careful record of all arrears of taxes under this Act, with the increased amounts from time to time entered
5 thereon.

37. All taxes, double taxes percentage, penalties and costs shall be a special lien payable under Part I of this Act on the mine, mining location, mining claim, land or mineral rights, and upon all ore, minerals or mineral-bearing substances taken therefrom, and upon all machinery
10 upon or connected with the mine in priority to every claim, privilege, lien or encumbrance of any person, whether the right or title of such person has accrued before or shall accrue after the attaching of such lien, and its priority
15 shall not be lost or impaired by any neglect, omission or error of any official, officer or person, or by want of registration, and the same may be realized by action for sale of any or all property subject to such lien. (See 6 Edw. VII. c. 2-5; 4 Edw. VII. c. 23, 89, 90; 62 Vict. c. 8, 19;
20 B.C. 1896, c. 46, s. 18, c. 179, s. 20.)

Taxes form
lien on mines
etc.

REMEDIES.

38. If any tax imposed by this Act is not paid when due the same, together with the added percentage, may be recovered from the owner, tenant, lessee, occupier or operator
25 of the mine or well by an action at the suit of the Minister of Lands, Forests and Mines in any Court of competent jurisdiction, together with costs of action.

Action to re-
cover tax.

39. In addition to any other remedies for the recovery of any tax by this Act imposed, an injunction or order in
30 in the nature of an injunction or a receiver, or such other relief or remedy as may be proper may be obtained at the instance and in the name of the Minister of Lands, Forests and Mines to prevent removal of any output, ore, mineral or mineral-bearing substance, or to prevent the carrying
35 on of mining operations until any tax in default is paid, or in any case where there is danger of removal of the same for the purpose of avoiding payment of any tax, though such tax is not yet due. (See 62 Vict. c. 8, s. 20.)

Injunction
and receiver.

40. Any action which may be brought under this Act may be brought by the Minister of Lands, Forests and
40 Mines as plaintiff, and it shall not be necessary to name the said Minister, and the action shall not abate by reason of a change in the person of said Minister or by reason of the office being vacant at any time, but the action may
45 proceed as though no change had been made or no vacancy existed. (See 62 Vict. c. 8, s. 27.)

Action by
Minister does
not abate.

Distress.

41. In case of default of payment of any taxes by this Act imposed, the same, together with all additions of percentage, penalties and costs, may be levied and collected by distress, together with costs of distress, upon the goods and chattels wherever found of the person or any person liable therefor, under warrant signed by the Minister of Lands, Forests and Mines or Deputy Minister of Mines, directed to the Sheriff of any county or counties or district in which the person in arrear may have any goods or chattels, and in such case the sheriff shall realize the amount directed to be realized by the warrant and all costs by sale of such goods or so much thereof as may be necessary to satisfy the amount directed to be levied by the said warrant. (See 62 Vict. c. 8-19.)

PENALTIES.

15

Penalty for false information.

42. Any person knowingly making or signing any false statement or furnishing any false or incorrect information to the Bureau of Mines or any Mining Assessor under section 8 of this Act, or giving any other false or incorrect information to any officer or person in respect to any other matter or thing required under this Act, or keeping or causing to be kept any false or incorrect book or accounts regarding anything required under this Act, with intent to deceive shall, in addition to any other liability, incur a penalty of \$200.00 for every such offence, which penalty may be recovered upon summary conviction before any Justice of the Peace having jurisdiction within the municipality in which such false statement or false information is made or furnished, or before any Justice of the Peace having jurisdiction within the municipality in which such false book or account is kept. (See 4 Edw. VII. c. 23, s. 21.)

43. Every person who is required under the provisions of section 9 to make or furnish any statement or information, and every mine in respect of which such statement or information is required to be made or furnished shall, in case of neglect to conform with the provisions of this section, be liable and assessable to a penalty of \$20.00 per day for each day during which default is made, which penalty or sum shall be added to and become part of the tax imposed by this Act, and such person and such mine shall also be liable to pay a tax of double the amount for which it would have been liable under section 6 of this Act, and any such penalty or double tax may be recovered with costs from any person liable therefor in any Court of competent jurisdiction in any action brought in the name of the Minister of Lands, Forests and Mines, to be tried by a Judge without a jury. (See 62 Vict. c. 8, s. 16.)

44. Any person violating the provisions of section 8 shall be liable to a penalty of \$50.00 for every such offence. (See R.S.B.C. c. 179, s. 12.)

45. If any order made under section 30 is not complied with within a reasonable time after it shall have been delivered, the owner, lessee, tenant, operator or occupier shall be liable to a penalty of \$ — for every day from the delivery of the order until the same shall have been complied with to be recovered with costs by action at the suit of the Minister of Lands, Forests and Mines, in any Court of competent jurisdiction as a debt due, and the owner, lessee, tenant, operator or occupier shall also be liable for double the tax computed upon the amount of gas estimated by the Mine Assessor to be passing through the pipe or duct during such period.

46. That part of subsection 11 of section 2 of the Act passed in the second session of the 62nd year of Her late Majesty Queen Victoria, chaptered 8, which is after the figures "\$1,500" where they last appear in the said subsection is hereby repealed.

3rd Session, 11th Legislature,
7 Edward VII., 1907.

BILL.

An Act to Supplement the Revenues of
the Crown.

First Reading, 13th February, 1907.

MR. COCHRANE.

TORONTO:

PRINTED BY L. K. CAMERON,

Printer to the King's Most Excellent Majesty.

An Act to Supplement the Revenues of the Crown.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as "*The Supplementary Revenue Act, 1907.*" Short Title.

INTERPRETATION.

2. Where the words following occur in this Act and Interpretation.
in any schedule thereto, they shall be construed in the manner hereinafter mentioned, unless a contrary intention appears:

"Mine" shall mean any opening in or working of the "Mine."
ground from or by which metalliferous ore or other solid mineral substance is taken, and shall include the mining claim, mining location or other the whole parcel of land or mineral in which any such workings are being or have been carried on, ~~but~~ the term "mineral substance or "mineral workings" shall not include limestone, marl, peat, clay, building stone or stone for ornamental or decorative purposes, or non-auriferous sand or gravel; ~~but~~

"Mine Assessor" shall mean and include any officer of "Mine Assessor."
such designation appointed under the authority of this Act, and any other officer or person appointed or directed by the Minister of Lands, Forests and Mines to perform any duty or exercise any power or authority by this Act specified or provided to be performed or exercised by a Mine Assessor ;

"Minister" shall mean the Minister of Lands, Forests "Minister"
and Mines;

"Output" when used in reference to a mine shall mean "Output."
all ores or other solid *mineral* or mineral-bearing substances raised, taken or gained from any mine or land in the

Province and which have been sold, or have been removed from the mining premises where produced, or have been treated or partially treated at any smelter, mill, or refinery on the mining premises from which they were taken;

"Person."

"Person" shall include corporation, company, syndicate, trust, firm, partnership, co-owners or party, and the heirs, executors, administrators or other legal representatives of such person if the context can apply thereto;

"Preceding year."

"Preceding Year" shall mean the year ending December 31st next before the time when the taxes hereby imposed are payable.

IMPOSITION, ACCRUAL AND PAYMENT OF TAXES.

Tax to be paid to Crown.

3. Notwithstanding anything in any other Act, or in any regulation or law contained, there shall be paid to the Crown in this Province in and for each *and* every year, at the times and in the manner hereinafter provided, the several taxes in this Act specified.

Tax when payable.

4. The taxes by this Act imposed shall be payable to the Minister of Lands, Forests and Mines, and taxes under this Act shall become payable for the year 1907 on the first day of December, 1907, and for subsequent years on the first day of October in each year thereafter. (See 62 Vic. c. 8, s. 13; 63 Vic. c. 6, s. 8.)

Accrual of tax.

5. The taxes imposed by this Act shall be deemed to accrue, as to the taxes payable in the year 1907, from and after the passing of this Act, and as to the taxes in each year thereafter on the first day of January of the year in which the same are payable. (See 62 Vict. c. 6, s. 12.)

PART I.

Tax on profits.

6.—(1) Every mine in the Province, the annual profits of which exceed \$10,000 shall be liable for and the owner manager, holder, tenant, lessee, occupier and operator of the same shall pay an annual tax of three per cent. on the excess of annual profits of such mine above the said sum of \$10,000.

Mines worked together.

(2) For the purpose of this section all mines and mineral workings within the Province occupied, worked or operated by the same person, or under the same general management or control, or the profits of which accrue to the same person, shall, for determining whether there is liability to taxation hereunder, be deemed to be and be dealt with as one and the same mine, and not as separate mines.

(3) The annual profits shall be ascertained and fixed in the following manner, that is to say:— The gross receipts from the year's output of the mine, or in case the ore, mineral or mineral-bearing substance or any part thereof is not sold, but is treated by or for the owner, tenant, holder, lessee, occupier, or operator of the mine upon the premises or elsewhere, then the actual market value of the output, at the pit's mouth, or if there is no means of ascertaining the market value, or if there is no established market price or value, the value of the same as appraised by the Mine Assessor, shall be ascertained, and from the amount so ascertained the following, and no other, expenses, payments, allowances or deductions, shall be deducted and made, that is to say:—

- (a) The actual cost of transportation of any output sold if paid or borne by the owner, tenant, holder, lessee, occupier or operator; Deductions.
- (b) The actual and proper working expenses of the mine, both underground and above ground, including salaries and wages of necessary superintendents, captains, foremen, workmen, firemen, engine-men, labourers, and employees of all sorts employed at or about the mine, together with the actual and proper salaries and office expenses for necessary office work done at the mine, and in immediate connection with the operation thereof;
- (c) The cost of supplying power and light, and of hire of horses used in the mining operation or in handling the ore or mineral;
- (d) The actual cost price of food and provisions for all employees aforesaid, whose salaries or wages are made less by reason of being furnished therewith, and of fodder for horses used as above mentioned;
- (e) The actual cost price of explosives, fuel, and any other supplies necessarily consumed in the mining operations;
- (f) Any actual and proper outlay incurred in safe-guarding or protecting the mine or mineral product;
- (g) The cost of proper insurance upon the output if paid or borne by the owner, tenant, holder, lessee, occupier or occupant and upon the mining plant, machinery, equipment and buildings used for or in connection with the actual mining operations or for storing the ore or mineral;

(h) An allowance of a sum for annual depreciation, by ordinary wear and tear, of the said plant, machinery, equipment, and buildings, such sum to be based upon the probable annual average cost of repairs and renewals necessary to maintain the same in a condition of efficiency and in no case to exceed for any year, *ten* per cent. of the value *at the* commencement of such year, such value to be appraised by the Mine Assessor;

(i) The cost of actual work done in sinking new shafts, making new openings, workings or excavations of any kind, or of stripping or trenching, in or upon the lands upon which the mine is situated, or upon any other lands belonging to the same owner, lessee, holder, tenant, occupier or operator, within the Province, such work having for its object, the opening up or testing for ore or mineral. Provided, however, that such expenditure is *bona fide*, and actually made or borne by the person or persons, or some or one of them, liable, or who would but for this provision be liable to taxation upon the said mine under this Act, and that separate accounts of such expenditure are kept and an affidavit or affidavits giving reasonable details of the nature, extent, and location of such work shall be furnished to the Bureau of Mines with the annual statement hereinafter provided for;

Capital not
deducted.

(j) It is hereby declared that no allowance or deduction shall in any case be made for cost of plant, machinery, equipment or buildings, *nor* for capital invested, *nor* for interest or dividend upon capital, or stock or investment, nor for depreciation in the value of the mine, mining land or mining property by reason of exhaustion or partial exhaustion of the ore or mineral, but this shall not restrict the generality of anything hereinbefore in this section contained.

Based on
preceding
year.

(4) For the purpose of this section, unless a contrary intention appears, the operations, business, matters and things carried on, occurring or existing during the calendar year ending 31st December prior to the date at which the tax is payable, shall be taken as the basis of fixing, assessing and ascertaining the taxation hereunder, but the tax payable shall nevertheless be deemed to be a tax for the calendar year in which it is payable.

7.—(1) The owner, lessee, tenant, holder, occupier, manager and operator of every mine, mining claim, mining location, mining leasehold, or other mining property from which ore, minerals or mineral-bearing substances is or are being taken at the date of the passing of this Act, shall within one month after such passing, and the owner, holder, manager, lessee, tenant and occupier and operator of every such mine or mining property commencing active operation as aforesaid at any time after the passing of this Act, shall within ten days after the commencement of such active operations, notify the Bureau of Mines of the fact that such mine is in active operation, and shall give in such notice the name of the mine, and the name and address of the owner, holder, manager, lessee; tenant, occupier and operator of such mine, and the name and address of the manager, or of some other person, to whom notices to be given under this Act may be sent (to be known as the name and address for service), and shall forthwith notify such Bureau of every change in the name and address of such manager or person, and of every change in the ownership, holding, tenancy, management, occupation or operation of such mine, and of every discontinuance of active operations, and of every recommencement thereof after discontinuance for a period of two months or more.

(2) From the information so given, and from any other available source, the Bureau of Mines shall prepare and keep a list showing all operating mines in the Province, with the names and addresses and particulars as so notified and given, (keeping in a distinct and separate column or place, the name and address for service) and any notice or requisition, required or provided for by this Act, shall be deemed to have been properly and sufficiently given, and served if mailed by registered letter to the person whose name and address for service have been given, at such address, or, in case such a name and address be not so notified, then if mailed by registered letter to the address which the official or person sending the notice or requisition thinks most likely to reach the proper person. (See R.S.B.C. 179, s. 11; *The Mines Act, 1906*, s. 206.)

8. It shall from and after the expiration of thirty days after the passing of this Act be unlawful for any person to ship, send, take or carry away, or permit so to be shipped, sent, taken or carried away from the mine from which the same may have been taken after the passing of this Act, any ore, mineral or mineral-bearing substance so taken, or any product thereof, until such person has so notified the Bureau of Mines that the mine from which the same has been taken is in active operation. (R.S.B.C. c. 179, s. 12.)

Statement to
be furnished.

9.—(1) Every person liable to pay the tax specified in section 6 of this Act shall, without any notice or demand to that effect, in addition to any other statements which may otherwise be required, on or before the first day of August, 1907, and on or before the first day of March in every year thereafter, deliver to the Bureau of Mines, a detailed statement in which shall be set forth:

- (a) The name and description of the mine,
- (b) The name and address of the person or persons owning, holding, leasing, managing, occupying and operating the same;
- (c) The quantity of ore, minerals *and* mineral-bearing substances shipped or sent from or treated on the mining premises during the year ending 31st December last preceding;
- (d) The name or names of the smelter or mill and locality to which the same or any part thereof was sent;
- (e) The cost per ton for transportation to the smelter, refinery or mill, and actual, proper and necessary expenses of making sale, if any, and by whom paid or borne;
- (f) The cost per ton for smelter or mill charges, and by whom paid or borne;
- (g) The quantity of ore, minerals *and* mineral-bearing substances treated on the mining premises during the said year;
- (h) The value of the ore, *minerals and mineral-bearing substances* shipped after deducting the charges for making sales, and for transportation or for treatment;
- (i) The value of the ore, *minerals and mineral-bearing substances* treated on the mining premises;

And such statement shall also show in another column or columns with reasonable detail, the various expenses, payments, allowances, and deductions which are proper to be made under the provisions of subsection 3 of section 6 of this Act; and such statement shall show by way of summary the total receipts or market value at the pit's mouth of the year's output, as in this Act specified, and the total amount of expenses, payments, allowances and deductions proper under this Act to be deducted therefrom, and the balance of profits for the year as in this Act provided, and may also show the amount of income tax, if any, actually paid or borne by the person liable to pay the tax specified in section 6 of this Act in respect of income derived from

said mine during said year to the municipality or municipalities in which the said mine or any part thereof is situated. (See 62 Vict. c. 8, s. 15; B.C. 1900, c. 38, s. 6.)

(2) Such statement and information required by this section shall be made and furnished by and under the oath of the owner, manager, holder, lessee, tenant, occupier or operator of such mine; but the Bureau of Mines or any Mine Assessor may require such information and statement, or any part thereof, to be given or verified under oath by any other or others of such persons, or by any person connected with the ownership, operation or management of any such mine, and may in addition to the particulars above detailed require any other information, particulars or statements that may be thought expedient, and such requisition or requisitions may be made at any time or times the same may be deemed proper. (See 62 Vict. c. 8, s. 15; B.C. 1900, c. 38, s. 6.)

(3) The Minister may for good cause enlarge the time for making such return or statement.

10.—(1) Every person owning, managing or operating a mine or mines, liable to pay the tax in section 6 of this Act mentioned, shall keep, at or near the mine or mines, proper books of account of the ore, minerals or mineral-bearing substances taken from the said mine or mines, containing the *quantity, weight and other* particulars of *the same* and the value thereof, and showing the returns from the smelter, mill, or refining works, or other returns of the amounts derived from the sale of such ores, minerals and mineral-bearing substances; and no ore, mineral or mineral-bearing substance taken out of any mine shall be removed therefrom or treated at any smelter, mill or refining works until the weight thereof shall have been correctly ascertained and entered in the said books of account; and such person shall also keep proper books showing each of the several expenses, payments, allowances or deductions mentioned in subsection (3) of section 6 of this Act, and showing any other facts and circumstances necessary or proper for ascertaining the amount of the tax payable under said section 6 of this Act. (See B.C. 1905, c. 2, s. 2.)

(2) If any doubt arises as to where such book or books shall be kept, or as to how many, or what books shall be kept, the Mine Assessor shall determine the number and character of books to be kept and the place or places at which they shall be kept.

MINE ASSESSOR AND HIS DUTIES.

11. The Lieutenant-Governor in Council may from time to time appoint one or more officers under this Act, to be

known as a Mine Assessor or Mine Assessors, and the Minister may from time to time appoint any officer or person to perform for the time being, or to perform in any locality or in any special matter or case the duties of Mine Assessor, and every such officer or person shall be deemed an officer of the Bureau of Mines, and it shall be his duty, subject to the direction of said Minister, annually, and oftener if so required, to prepare lists and descriptions of and ascertain and report the facts and particulars concerning all mines, mining properties and *mining* rights liable, or which might be liable, to taxation under this Act, and to furnish the same to the Bureau of Mines, and to make such investigations, and perform such other duties, as are provided for by this Act, or as may be prescribed by the said Minister.

Assessor may enter mines.

12. It shall be at all times lawful for any Mine Assessor to enter upon mining premises for the purpose of making enquiries, obtaining information and otherwise performing his duties under this Act, and for any of these purposes he may descend all pits, and shafts, and use all tackle, machinery, appliances and things belonging to the mine as he shall deem necessary or expedient, and he shall have free ingress and egress to, from and over all buildings, erections and vessels used in connection with the workings, and he shall from time to time be allowed to take from the said mining premises such samples or specimens as he may desire for the purpose of determining by assay or otherwise the value of the ore, minerals or mineral-bearing substances being taken therefrom, *or any product thereof*, and he shall have full and complete access to all books of account and letters kept or used for or in connection with the work and business of such mine and may examine the same and take copies thereof or extracts therefrom, but any information of a private or confidential nature acquired by any Assessor under the provisions of this section shall not be communicated or disclosed to anyone except so far as may be necessary for the purposes of this Act. (See B. C. 1905, c. 2, s. 2.)

TAX ROLL AND APPEALS.

Preparation of tax roll.

13.—(1) The Bureau of Mines or any Mine Assessor or other officer or person acting under the direction of the Minister in that behalf, shall as soon as practicable after the receipt of the returns and statements in section 9 of this Act mentioned, prepare from these and from the lists, statements and reports of the Mine Assessor a tax roll showing all mines and persons liable for the taxes specified in section 6 of this Act, and showing the quantity and value of output for each mine, the amount of deductions therefrom under the various headings as far as practicable,

the profits for which each mine and person is assessable, and the amount of tax payable by each, also any deduction entitled to be made therefrom by reason of payment of municipal income tax. In making up the said roll the statement furnished pursuant to section 9 of this Act shall be *prima facie* evidence of the information required; but any default or defect in the furnishing of such statement or any omission therefrom shall not prevent the complete preparation of the roll but in all cases the officer or person charged with the duty of preparing said roll may, subject to the approval of the Minister make full and careful enquiry as to the correctness thereof, and may resort to all available sources of information within his control, and may make or order a Mine Assessor to make any investigation he deems fit, and may fix such amount as he believes to be just and correct; provided that whenever a mine or person is assessed for a larger sum than the statement shows liability for, notice thereof shall be given to such person, and such person shall be entitled within fifteen days from the mailing of such notice to appeal from the said assessment as hereinafter provided.

(2) When the time for filing such appeal has expired, Appeals. the cases appealed shall be marked or distinguished from the others on the said roll, and the roll shall thereupon be made up in duplicate, and the Minister shall by *his* signature authenticate the same as being the roll for the year, and subject to the determination of such appeals, and subject to any additions or alterations that may be made by or pursuant to any investigation that may be ordered or directed as hereinafter provided for, the said roll shall be final and conclusive as to the liability of the several mines and persons therein mentioned to pay the tax therein specified.

(3) An appeal, as provided for in the first subsection of this section, shall be made by lodging with the Bureau of Mines within the time limited, a notice in writing, stating that the appellant thereby appeals from the tax in question, and stating as far as practicable the grounds of such appeal or the particulars of objection to the tax, and such appeal shall be referred in writing by the Minister to the Mining Commissioner or to the Railway and Municipal Board, to be tried and determined. Notice of appeal.

(4) The Minister, if in any case he sees fit, instead of having the amount of the tax for any mine or person entered on the roll, as in the first paragraph of this section mentioned, may direct in writing that the amount of the tax for which such mine or person is liable shall be ascertained and fixed by the Mining Commissioner or by the Railway and Municipal Board; and the said Minister may at any time either before or Investigation in lieu of appeal.

after the said roll is made up and signed, and whether or not the mine or person in question is entered thereon for taxation, direct in writing that the truth or correctness of any statement furnished pursuant to section 9 of this Act, or that the question of liability or amount of liability of any mine or person for the tax under this Act, shall be enquired into and investigated and reported upon by the Mining Commissioner or the Railway and Municipal Board.

Hearing
of appeal.

(5) The Mining Commissioner or Railway and Municipal Board shall upon receiving any such direction or reference as is in subsection 3 or subsection 4 of this section mentioned, proceed to try and dispose of the appeal, or determine or enquire into and investigate the question or matter so referred or directed to be investigated, and for all and any of said purposes shall have the same power to enforce the attendance of witnesses, and to compel them to give evidence, and produce documents and things, as is vested in any Court in civil cases, and the decision, finding or report of such Mining Commissioner or Railway and Municipal Board, after giving the parties an opportunity to be heard, shall for the purposes of this Act be final and conclusive as to the particulars therein mentioned, subject only as hereinafter in this section provided.

Costs.

(6) In any such proceedings or investigation, or on any appeal, the said Mining Commissioner or the said Railway and Municipal Board may order the appellant, or the person causing the investigation by reason of false or incorrect statements, or failure to keep books and accounts or to otherwise conform to the provisions of this Act, to pay the costs of such appeal, proceeding or investigation, and may direct that the same be taxed by a taxing officer of the High Court of Justice and added to the tax for which such person is liable under this Act; and in any case where the statement filed or furnished, pursuant to section 9 of this Act, understates the amount on which the tax should be paid, the person making such false or incorrect statement shall pay double the tax to which he would otherwise be liable; but if it shall appear to the said Mining Commissioner or the said Railway and Municipal Board, and he or they certify that such understatement was not made with the intent or for the purpose of decreasing the amount of tax to be paid, but was made in good faith and with no improper motive, then in such case the Lieutenant-Governor in Council may, upon the recommendation of the Minister, remit so much of the added percentage and so much of the costs as may in his discretion seem just.

Filing decision

(7) All decisions, findings and reports made pursuant to the last preceding subsection shall be filed with the Bureau of Mines, and notice of such filing shall forthwith there-

after be mailed by said Bureau of Mines to the owner or manager of the mine concerned.

(8) In any case where the amount of the tax involved exceeds \$1,000 an appeal shall lie from any decision, finding or report of the Mining Commissioner or the Railway and Municipal Board under this section to the Court of Appeal for Ontario; provided that notice of such appeal is lodged with the Bureau of Mines within fifteen days after the filing of said decision, finding or report with the Bureau of Mines, and the procedure upon and governing such appeal shall be, as far as may be, the same as upon an appeal to the Court of Appeal *in an action*, but leave shall not be necessary, and the decision of the Court of Appeal shall be final. (See 4 Edw. VII. c. 23, s. 20; 62 Vict. c. 8, ss. 23, 24, 25; 4 Edw. VII. c. 23, s. 76.) Appeal to Court of Appeal

14. It shall be the duty of the Bureau of Mines, or the person charged with the collection of any tax imposed by section 6 of this Act, to notify the owner or manager of the mine liable for such tax of the amount and time for payment thereof at least fifteen days prior to such date; but failure to comply with this provision shall not affect the liability for payment of any such tax at the time and in the manner in this Act provided; nor shall it prevent or affect the collection or enforcement thereof or the happening of any forfeiture or accrual of *percentage* or penalty for non-payment, or any other matter or thing whatsoever in this Act provided. Notifying of tax.

INCOME TAX MAY BE DEDUCTED.

15. When any person liable to payment of the tax in respect of any mine under section 6 of this Act has also actually paid or borne a tax for income, he shall be entitled to deduct from the amount *of the tax* any sum or sums actually paid or borne by him, as income tax during the preceding year, upon income derived from such mine, to any municipality or municipalities in which said mine or any part thereof is situated, provided that a proper receipt for or certificate of such payment signed by the municipal collector or treasurer to whom the same was paid is furnished to the Bureau of Mines with the annual statement required by section 9 of this Act. Income tax deducted.

ACREAGE TAX.

16.—(1) Except as hereinafter provided,

(a) Every mining location and mining claim in unorganized territory in the Province, held either mediately or immediately under patent granted or lease issued by the Crown under or pursuant to the provisions of any statute,

Acreage tax.

regulation or law at any time in force authorizing the granting or leasing of Crown lands for mining purposes; and

(b) All *mining* rights, whether of all kinds or only one or more kinds of mines or minerals howsoever granted or acquired, owned or held under lease, agreement, or option, in any lands in any unorganized territory in the Province, by any person not owning the surface rights in said lands; shall be liable for, and the owner, holder, lessee *and* occupier thereof shall pay an acreage tax of *two* cents per acre in each year.

Farmed land
exempt.

(2) But no such tax shall be payable in respect of such acreage as was during the preceding year actually and *bona fide* in use for farming purposes, or occupied by buildings, or reasonably required or used in connection with such farming or buildings; but this paragraph shall not operate to *exempt* from taxation *mining* rights held apart from the surface rights as in paragraph (b) above described.

Proviso

Provided that there shall be no right to exemption under *this subsection* unless a claim for such exemption shall have been made, and proof by affidavit or otherwise of the facts shall have been furnished, to the Bureau of Mines not later than 1st March of the year in which the tax is payable, nor unless such claim for exemption shall have been approved in writing by the Mine Assessor; but in the year 1907 such claim and affidavit may be filed at any time prior to 1st September, 1907. (See R.S.O., c. 26, s. 1.)

School trustees
in unorganized
districts to
make list.

17.—(1) The trustees of *every* school section in unorganized territory in the Province shall prepare a list of all mining locations, mining claims, *mining* rights and other lands within their school section liable to said acreage tax, which shall be signed and certified by their Secretary or Secretary-Treasurer, and shall forward the same to the Bureau of Mines on or before the 30th day of April in each year.

Payment to
school trustees
of one-half of
acreage tax.

(2) There shall be paid by the Treasurer of the Province to the said trustees *for school purposes* each year one-half of the amount certified by the Deputy Minister of Mines to have been actually received by the Province for such acreage tax *within* said school section *during the year*, and it shall be the duty of the said Deputy Minister each year to certify such sum.

ACREAGE TAX ROLL.

Acreage
tax roll.

18.—(1) From the lists furnished as in the last preceding section provided, from lists and information prepared by the Mine Assessor, and from records in the Bureau of Mines and in the Department of Lands, Forests and

Mines, and any other source of information, the Deputy Minister of Mines, or any assessor charged with such duty, shall prepare each year a tax roll of properties and persons liable to the acreage tax in section 16 provided for, but said roll shall at all times be subject to corrections or additions.

(2) Any omissions or errors in such roll may by any person be notified to the Bureau of Mines, and may at any time be supplied or corrected.

19. Notwithstanding anything in the last preceding section, every person and property liable under section 16 for payment of acreage tax shall be and continue so liable whether entered in such roll or not, and said tax shall without any notice or demand be payable at the time and in the manner by this Act provided. Liability for tax though not on roll.

20. In case of any question or dispute arising as to the liability of any person or property to the tax under section 16, the Minister may in writing refer such dispute or question to the Mining Commissioner or Railway Board, and thereupon all the provisions of subsections (5), (6) and (7) of section 13 of this Act shall as far as may be *apply* thereto. Disputes and appeals.

FORFEITURE FOR NON-PAYMENT.

21.—(1) The Deputy Minister of Mines shall prepare annually a list of all mines, mining locations, mining claims, mining lands and other lands and minerals in respect of which any tax by this Act imposed is two years or more in default, and with the approval of the Minister, he shall cause a list of the mines, mining locations, mining claims, mining land or lands or mineral rights in respect of which taxes are in arrear to be advertised in four successive issues of *The Ontario Gazette* and in one newspaper, if any, published in the district or county in which the property is situate, stating that unless the amount due with costs and expenses shall have been paid on or before a date to be in said advertisement specified, which day shall be either 30th of June or 31st of December, not less than six months nor more than a year after the first publication of said advertisement, said property shall upon the next day following the day so fixed become forfeited to and revested in the Crown. Forfeiture for non-payment of tax advertisements.

(2) If after publication of such advertisement payment of the tax due in respect of any mine, mining location, mining claim, mining land, or other land or *mining* rights in said advertisement mentioned or described, together with all additions, penalties and costs and the costs of Forfeiture.

advertising, is not made on or before the day fixed in said advertisement as the last day for payment, then on the next succeeding day after the day so fixed, or at any time thereafter the Minister may by a certificate under his hand and seal of office declare that such mine, mining location, mining claim, mining land or other land or *mining* rights shall, notwithstanding anything in this Act or any other Act, law or regulation contained, be forfeited to and vested in the Crown in right of the Province, and *that* the patent or lease whereby the said mine, mining location, mining claim, mining lands or other lands or mineral rights was or were granted or leased by the Crown or other title under which *they are* held *is* revoked and cancelled, and *thereupon* the premises comprised therein shall vest in the Crown absolutely freed and discharged from *every* estate, right, title, *interest*, claim or demand therein or thereto, *whether existing*, arising or accruing before or after such forfeiture shall be so declared. (See 3 Edw. VII. c. 2, s. 1; R.S.O. c. 36, ss. 32, 33.)

Forfeited
land not open
to location.

(3) Provided that no lands or *mining* rights forfeited and vested in the Crown under this section shall be open to location staking or recording as a mining claim unless and until declared so open by Order in Council.

Registration
of certificate
of forfeiture.

(4) The Registrar of any Registry Division in which any lot or parcel of land *or mining* right included in a certificate or forfeiture given under this Act is *or are* situate, or the Local Master of Titles (as the case may be) to whom the said certificate or any exemplification or certified copy thereof is tendered for registration shall duly receive and register the same against the land affected thereby.

Certificate
evidence.

(5) Such certificate shall, upon production, without proof of authenticity, or of the official character of the person signing the same, and any exemplification thereof certified by the Deputy Minister of Mines, shall, without proof of the signature of the Deputy Minister, be received as evidence in any Court, and the same, or any recital of forfeiture contained in any subsequent patent or lease of the said lands or mining rights issued thereafter, shall in any Court be absolute and conclusive evidence of the forfeiture to the Crown of the land so certified, declared or recited to have been forfeited.

Compromise
of tax.

22. In case any doubt or dispute arises as to the liability of any person to pay a tax or any portion of a tax demanded under this Act, or where owing to special circumstances it is deemed inequitable to demand payment of the whole amount imposed under this Act, the Minister may compromise the matter by the acceptance of such amount as he may deem proper; and in case the tax claimed has been paid under protest, he may refund the same or any part

thereof to the person making such payment. (See 63 Vict. c. 6, s. 7.)

23. Chapter 26 of the Revised Statutes of 1897, and all amendments thereto are hereby repealed, except in regard to any tax now due thereunder, as to which and as to the land and person or persons chargeable with such tax said Statutes are to remain in full force and effect. Algoma land tax repealed.

24. Where by any agreement *heretofore* made between the owner, holder, tenant, lessee, occupier or operator of a mine and the Crown it is agreed that no tax shall be paid, such mine shall be exempt from the profit tax and acreage tax imposed by this Act. Mine under agreement exempt.

PART II.

NATURAL GAS.

25. All natural gas in the Province of Ontario shall be subject to a tax of *two cents* for every thousand feet flowing, drawn or pumped from or produced by the well; Natural gas subject to tax.

Provided natural gas used by the owner or occupier of the land on which the well producing the same is situated, or used by two or more persons from a well jointly sunk for their own use on land owned by one or more of them shall not be subject to such tax.

26.—(1) The owner, lessee, tenant, operator or occupier of every well shall keep a book continuously at some place within the Province of Ontario to be fixed by the Mine Assessor, in which shall be truly and faithfully recorded the total quantity of gas flowing, drawn or pumped from, or produced by the well or wells operated by him. Books to be kept.

(2) Such book shall for the year 1907 contain entries of all gas produced from and after the first day of January, 1907.

27.—(1) The Mine Assessor shall have the right, at any and all times, and from time to time, as often as he shall think fit, to inspect all apparatus and machinery used in connection with the well, for the purpose of *estimating* or ascertaining the quantity of gas flowing, drawn or pumped from, or produced by any well. Inspection of meters, books etc.

(2) He shall also have the right at all times to examine said books and to call for and examine all books, records and memoranda, whether the same are required by law to be kept or not, kept by the owner, lessee, tenant, operator or occupier or any one or more of them, for the purpose of ascertaining the quantity of gas flowing, drawn or pumped

from, or produced by any well; and the owner, lessee, tenant, operator or occupier shall forthwith upon demand produce to the Mine Assessor all such books, records and memoranda for the purpose aforesaid.

When
meter to be
affixed.

28. If the Mine Assessor has reason to believe that the amount of gas produced by the well is not correctly shown by the book required to be kept, or by other books, records or memoranda as aforesaid, he may direct that a meter shall be affixed by the owner, lessee, tenant, occupier or operator of every well to every main pipe or duct through which all the gas flowing, drawn or pumped from the well or wells shall pass, so as to indicate the total gross quantity of gas flowing, drawn or pumped from, or produced by such well or wells.

Defective
meters to be
remedied

29.—(1) The meter may be inspected and tested, at any time or times, by or at the request of the Mine Assessor, as he shall think fit, for the purpose of ascertaining whether it correctly records the quantity of gas flowing, drawn or pumped from, or produced by the well or wells, and in case he shall find that the same is not truly recording the quantity of gas flowing, drawn or pumped from, or produced by such well or wells, he may by a writing under his hand order that the same shall be forthwith put in order so as to furnish a true record, or he may order that a new meter shall forthwith be affixed to the pipe or duct; and the owner, lessee, tenant, operator or occupier shall forthwith cause the order to be obeyed.

Meter not
correctly
placed.

(2) If the Mine Assessor shall find that the meter is so placed that the total quantity of gas flowing, drawn or pumped from, or produced by the well or wells does not pass through the meter, he may by a writing under his hand order that the same shall be so placed that the whole of the gas proceeding from the well or wells shall pass through the same, and the owner, lessee, tenant, occupier or operator shall forthwith cause the order to be obeyed.

Notice of oper-
ating wells.

30. Every owner, tenant, lessee, operator and occupier of a gas well or gas wells shall forthwith after the passing of this Act furnish to the Bureau of Mines a statement showing the wells operated by them or him, their location, the names and addresses of the owner, tenant, lessee, operator or occupier and the name and address of some person in the Province of Ontario to whom notices to be given under this Act may be sent and any order made by the Mine Assessor or any notice required to be given may be delivered to the owner, tenant, lessee, operator or occupier or to the person named for receiving notices, and if no such person is named, then to any manager, clerk, foreman or other person in the employment of the owner, tenant, les-

Service of
notices, etc.

see, operator or occupier at the well or in charge of the same, or to any manager or clerk at the office of the owner, tenant, lessee, operator or occupier. ❧

❧ 31. Every owner, lessee, tenant, occupier and operator of any well or wells to which this Act applies, and every manager or superintendent thereof shall furnish to the Minister in each year on the first day of August and the first day of February a true statement under oath of the total quantity of gas which flowed, was drawn, or pumped from, or produced by, such well or wells during the six months ending the thirtieth day of June and the thirty-first day of December respectively immediately preceding such dates and the first of such statements shall be made on the first day of August after the passing of this Act; provided that for the tax payable in the year 1907 each person aforesaid shall also on the said first day of August, 1907, furnish under oath a true statement of the total quantity of gas which flowed, was drawn or pumped from or produced by his well or wells during the year 1906. ❧

Statement to be furnished by owner.

32.—(1) It shall be the duty of the Mine Assessor to examine the same, and ascertain whether or not the same is a true and correct statement of the quantity of gas which proceeded from the well *or wells* for such period, and if he finds the same to be correct, the quantity so stated shall be the quantity upon which the tax shall be computed for such period, and the Mine Assessor shall thereupon notify the owner, lessee, tenant, operator or occupier of the same.

Assessor to examine statement.

(2) If the Mine Assessor shall be of opinion that the same is incorrect, he shall notify the person furnishing the statement thereof, and in what particular the same is deemed to be incorrect, and, if the owner, lessee, tenant, occupier or operator assents thereto, the statement may be amended and re-sworn to, and when so amended the quantity so stated shall be the quantity upon which the tax shall be computed for such period.

Incorrect statement, amendment.

(3) If the owner, lessee, tenant, operator or occupier disputes the notice so given, the dispute shall be heard by the Mining Commissioner or the Railway and Municipal Board as the Minister shall direct, and such decision shall be final and conclusive, and the quantity so found shall be entered on the statement as the true quantity, and the tax for such period shall be computed thereon.

Disputed statement.

❧ 33. At the times specified in section 4 ❧ of this Act, the owner, lessee, tenant, operator or occupier shall pay to the Minister the full tax for the quantity of gas shown in the statement as having proceeded from the well *or wells* during the preceding year. If any dispute is pending on that date as to the true quantity, the tax shall never-

Date of payment of tax.

theless be paid upon the amount shown in such statement, and as soon as such dispute shall have been determined by increasing the quantity, the remainder of the tax shall be forthwith paid, and if a less quantity shall be found to have proceeded from the well *or wells*, the excess of the tax received shall be forthwith remitted to the person paying the tax.

PART III.

PERCENTAGE, REMEDIES AND PENALTIES.

Ten per cent.
to be added
for default.

34.—(1) In case any tax by this Act imposed is not paid at the time in this Act provided, ten per cent. shall forthwith be added thereto, and ten per cent. shall be added at the expiration of each year thereafter that the tax remains unpaid, and the said increased amounts shall for all purposes be and become the tax due and payable under this Act. (See 4 Edw. VII. c. 23, s. 134 (2)).

(2) It shall be the duty of the Deputy Minister of Mines or such other person as may be directed by the Minister to keep a careful record of all arrears of taxes under this Act, with the increased amounts from time to time entered thereon.

Taxes to be a
special lien.

35. All taxes, double taxes, percentages, penalties and costs respectively payable under this Act shall be a special lien on the mine, mining location, mining claim, land or mining rights and upon all ore, minerals or mineral-bearing substances taken therefrom, and upon the gas well or wells and the leases of and rights respecting the same and upon all machinery upon or connected with the mine or gas well or wells in priority to every claim, privilege, lien or encumbrance of any person, whether the right or title of such person has accrued before or shall accrue after the attaching of such lien, and its priority shall not be lost or impaired by any neglect, omission or error of any official, officer or person, or by want of registration and the same may be realized by action for sale of any or all property, leases and rights subject to such lien. (See 6 Edw. VII. c. 2-5; 4 Edw. VII. c. 23, 89, 90; 62 Vict. c. 8, 19; B.C. 1896, c. 46, s. 18, c. 179, s. 20.)

REMEDIES.

Action to re-
cover tax.

36. If any tax imposed by this Act is not paid when due the same, together with the added percentage, may be recovered from the owner, tenant, lessee, occupier or operator of the mine or well by an action at the suit of the Minister in any court of competent jurisdiction, together with costs of action.

37. In addition to any other remedies for the recovery of any tax by this Act imposed, an injunction or order in the nature of an injunction or receiver, or such other relief or remedy as may be proper may be obtained at the instance and in the name of the Minister to prevent removal of any output, ore, mineral or mineral-bearing substance, or *natural gas*, or to prevent the carrying on of mining operations or *production of gas* until any tax in default is paid, or in any case where there is danger of removal of the ~~the~~ output, ore, mineral or mineral-bearing substance ~~the~~ for the purpose of avoiding payment of any tax, though such tax is not yet due. (See 62 Vict. c. 8, s. 20.)

Injunction
and receiver.

38. Any action which may be brought under this Act may be brought by the Minister as plaintiff, and it shall not be necessary to name the said Minister, and the action shall not abate by reason of a change in the person of said Minister or by reason of the office being vacant at any time, but the action may proceed as though no change had been made or no vacancy existed. (See 62 Vict. c. 8, s. 27.)

Action by
Minister does
not abate.

39. In case of default of payment of any taxes by this Act imposed, the same, together with all additions of percentage, *double tax*, penalties and costs, may be levied and collected by distress, together with costs of distress, upon the goods and chattels wherever found of the person or any person liable therefor, under warrant signed by the Minister or Deputy Minister of Mines, directed to the Sheriff of any county or counties or district in which the person in arrear may have any goods or chattels, and in such case the sheriff shall realize the amount directed to be realized by the warrant and all costs by sale of such goods or so much thereof as may be necessary to satisfy the amount directed to be levied by the said warrant. (See 62 Vict. c. 8-19.)

Distress.

PENALTIES.

40. Any person knowingly making or signing any false statement or furnishing any false or incorrect information to the Bureau of Mines or any Mining Assessor under section 9 of this Act, or giving any other false or incorrect information to any officer or person in respect to any other matter or thing required under this Act, or keeping or causing to be kept any false or incorrect book or accounts regarding anything required under this Act, with intent to deceive shall, in addition to any other liability, incur a penalty of \$200.00 for every such offence, which penalty may be recovered upon summary conviction before any Justice of the Peace having jurisdiction within the municipality in which such false statement or false information is made or furnished, or before any Justice of the Peace

Penalty for
false information.

having jurisdiction within the municipality in which such false book or account is kept. (See 4 Edw. VII. c. 23, s. 21.)

Penalty for not
furnishing
information.

41. Every person who is required under the provisions of section 9 to make or furnish any statement or information, and every mine in respect of which such statement or information is required to be made or furnished shall, in case of neglect to conform with the provisions of the said section, be liable to a penalty of \$20 per day for each day during which default is made, which penalty or sum shall be added to and become part of the tax imposed by this Act, and such person and such mine shall also be liable to pay a tax of double the amount for which it would have been liable under section 6 of this Act, and any such penalty or double tax may be recovered with costs from any person liable therefor in any Court of competent jurisdiction in any action brought in the name of the Minister of Lands, Forests and Mines, to be tried by a Judge without a jury. (See 62 Vict. c. 8, s. 16.)

Penalty for
disclosing
information,
etc.

42. Any person violating the provisions of section 8 and any person violating the provisions of section 12 by communicating or disclosing any information contrary to the provisions thereof shall be liable to a penalty of \$50 for every such offence. (See R.S.B.C. c. 179, s. 12.)

Penalty for
non-com-
pliance with
orders.

43. If any order made under section 30 is not complied with within a reasonable time after it shall have been delivered, the owner, lessee, tenant, operator or occupier shall be liable to a penalty of \$10 for every day from the delivery of the order until the same shall have been complied with to be recovered with costs by action at the suit of the Minister in any court of competent jurisdiction as a debt due, and the owner, lessee, tenant, operator or occupier shall also be liable for double the tax computed upon the amount of gas estimated by the Mine Assessor to be passing through the pipe or duct during such period.

62 Vic. c. 8,
ss. 2 (11), 3 and
20 repealed.

44. Subsection 11 of section 2, and section 3 and section 20 of the Act passed in the second session of the 62nd year of the reign of Her late Majesty Queen Victoria, Chaptered 8, are repealed.

BONUSES.

Bonus on iron
smelted and
gas used in
Canada.

45. Whereas it is desirable to encourage the smelting in Canada of iron ores mined in Ontario, and

Whereas it is desirable to encourage the use in Canada of natural gas produced in the Province of Ontario.

(1) If at the time when any tax upon the profits arising out of the mining of ore or any tax upon natural gas shall

become payable the person liable to pay the same shall upon oath show to the satisfaction of the Minister that such iron ore mined in Ontario has in the preceding year been smelted in the Dominion of Canada or delivered at a blast furnace in the said Dominion for the *bona fide* purpose of being smelted thereat, or shall in like manner show the quantity of natural gas used during the preceding year within the Dominion of Canada, and if such person shall not during the preceding year have infringed in any way the provisions of this Act or any of them, and is not in default or arrear in any payment, the Minister on being satisfied of the facts deposed to may remit to the person liable to pay the same the whole of the tax payable in respect to such iron ore as has been smelted in Canada or delivered at a blast furnace therein for the *bona fide* purpose of being smelted, and ninety per cent. of the tax payable on such quantity of natural gas as has been used in the Dominion of Canada in the preceding year. ❧

❧ (2) For the purpose of ascertaining whether the facts deposed to are true and correct, the Mine Assessor may make any examination or enquiry necessary to ascertain the correctness of the statement, and the owner, lessee, tenant, occupier or operator shall produce and show to the assessor all books, documents, records and memoranda kept by him or under his control, and in case of refusal, neglect or default to furnish any information asked for by the Mine Assessor, or to produce and show any books, documents, records or memoranda kept by him or in his power or under his control, he shall not be entitled to any remission. ❧

Examination to determine truth of statements.

REGULATIONS.

❧ 46. The Lieutenant-Governor in Council may from time to time make such rules and regulations as he deems necessary or expedient for carrying out the purposes of this Act, and such rules and regulations shall be published in the *Ontario Gazette* and shall, if made when the Legislative Assembly in sitting be laid upon the table of the House during the then session and if made at any other time shall be laid upon the table of the House within the first fifteen days of the session next after the date thereof. ❧

Regulations for carrying out Act.

3rd Session, 11th Legislature,
7 Edward VII., 1907.

BILL.

An Act to Supplement the Revenues of
the Crown.

First Reading, 13th February, 1907.
Second Reading, 7th March, 1907.

*(Reprinted as amended by Committee of
the Whole House.)*

MR. COCHRANE.

TORONTO:

PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

An Act to amend The Land Titles Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 160 of *The Land Titles Act* is amended by adding thereto the following subsection 4. Rev. Stat., c. 138, s. 160, amended.

(4) In case not less than ten ratepayers of any county in which is situated a city or town to which the provisions of this Act have been extended, who are owners of land situate in such county of the aggregate assessed value of \$100,000, petition the Lieutenant-Governor in Council for the issue of a proclamation extending the provisions of this Act to the said county, and the Lieutenant-Governor by Order in Council declares that it is expedient that the same should be so extended, then the provisions of subsection 2 of this section and of section 161 of this Act shall apply to such county as fully as they would have been applicable had a by-law been passed by the county council. The owners of land which is assessed as land of non-residents shall be deemed ratepayers within the meaning of this subsection. Extension of application of Act on petition of owners.

3rd Session, 11th Legislature,
7 Edward VII., 1907.

BILL.

An Act to amend The Land Titles Act.

First Reading, 13th February, 1907.

Mr. FERGUSON,
(Grenville.)

TORONTO:

PRINTED BY L. K. CAMERON,

Printer to the King's Most Excellent Majesty.

An Act to amend The Land Titles Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 160 of *The Land Titles Act* is amended by adding thereto the following subsection 4. Rev. Stat., c. 138, s. 160, amended.

(4) In case not less than *twenty* ratepayers of any county in which is situated a city or town to which the provisions of this Act have been extended, who are owners of land situate in such county of the aggregate assessed value of \$400,000, petition the Lieutenant-Governor in Council for the issue of a proclamation extending the provisions of this Act to the said county, and the Lieutenant-Governor by Order in Council declares that it is expedient that the same should be so extended, then the provisions of subsection 2 of this section and of section 161 of this Act shall apply to such county as fully as they would have been applicable had a by-law been passed by the county council. Extension of application of Act on petition of owners.

~~15~~ In such case the Local Master shall not be entitled to be paid a salary, unless the County Council shall pass a resolution for the payment to him of a salary to be provided by the county, but such Local Master shall be entitled to retain for his own use the fees collected upon proceedings in his office. Provided also that all costs and expenses incurred in introducing the Land Titles system into the county, or incurred during one year thereafter in connection therewith, shall be paid by the said petitioners. ~~16~~ The owners of land which is assessed as land of non-residents shall be deemed ratepayers within the meaning of this subsection.

3rd Session, 11th Legislature,
7 Edward VII., 1907.

BILL.

An Act to amend The Land Titles Act.

First Reading, 13th February, 1907.
Second Reading, 31st March, 1907.

*(Reprinted as amended by the Legal
Committee.)*

Mr. FERGUSON,
(Grenville.)

TORONTO:

PRINTED BY L. K. CAMERON,

Printer to the King's Most Excellent Majesty.

An Act to amend the Act respecting the
Provisional County of Haliburton.

HIS MAJESTY, by and with the advice and consent of
the Legislative Assembly of the Province of Ontario,
enacts as follows:—

1. *The Act respecting the Provisional County of Hal-*
5 *burton* is amended by adding at the end thereof the fol-
lowing section:—

Rev. Stat.,
c. 4, amended.

31. No damages shall be recovered in respect of injuries
committed in the said provisional county upon any land
by horses, cattle, sheep or swine straying upon such land,
10 unless the animal so straying was running at large, con-
trary to a municipal by-law in that behalf; and where no
by-law prohibiting or regulating the running at large of
the class of animals to which the animal trespassing be-
longs, is in force in the municipality, township or place,
15 then no such damages shall be recovered unless such ani-
mal has broken through or jumped over a fence then being
in reasonably good order, and of the height of four and
one-half feet; but this section shall not apply to breachy
or unruly animals.

Trespasses
by animals.

3rd Session, 11th Legislature,
7 Edward VII., 1907.

BILL.

An Act to amend the Act respecting the
Provisional County of Haliburton.

First Reading, 14th February, 1907.

Mr. CARNEGIE.

TORONTO:

PRINTED BY L. K. CAMERON,

Printer to the King's Most Excellent Majesty.

No. 105.

BILL.

1907.

An Act to amend the Assessment Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. *The Assessment Act* is amended by adding the following as section 102a. 4 Edward VII., cap. 23, amended.

102a. Notwithstanding anything in this Act or in any other Act contained, the council of any city, town, township or village may by by-law appoint and authorize the clerk or treasurer of the municipality to levy and collect all taxes including local improvement assessments, sewer rents and rates and other rents or rates payable as taxes which may be imposed from year to year by the council, with all other powers conferred by this Act upon a collector of taxes. Appointment of clerk or treasurer to collect taxes.

2. Subsection 2 of section 99 of *The Assessment Act* is amended by adding after the word "towns" in the first line the word "townships." 4 Edward VII., c. 23, s. 99, subs. 2, amended.

3rd Session, 11th Legislature,
7 Edward VII., 1907.

BILL.

An Act to amend the Assessment Act.

First Reading, 14th February, 1907.

Mr. CLARK
(Bruce).

TORONTO:

PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

No. 106.

BILL.

1906.

An Act to amend the Municipal Drainage Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Subsection 8 of section 9 of *The Municipal Drainage* Rev Stat. c. 226,
s. 9 sub. 8
amended.
5 *Act* as enacted by section 6 of Chapter 28 of the Acts passed at the second session held in the 62nd year of the reign of Her late Majesty Queen Victoria, is amended by adding thereto the following:—
- (a) The provisions of this subsection shall be construed
10 as directory only and the failure or neglect of the engineer to file his report within six months after the filing of the petition or within any such extended period shall not invalidate the report or any proceedings taken thereon. Filing report
of engineer.
2. Subsection 1 of section 63 of *The Municipal Drainage* Rev Stat. c. 226,
subs. 1
amended.
15 *Act* is amended by striking out the words "thirty days" in the second line and inserting in lieu thereof the words "six weeks." Time for
appeal from
report.

3rd Session, 11th Legislature,
7 Edward VII., 1907.

BILL.

An Act to amend the Municipal Drainage
Act.

First Reading 14th February, 1907.

MR. FERGUSON.
(Grenville).

TORONTO:

PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

An Act to amend the Municipal Drainage Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

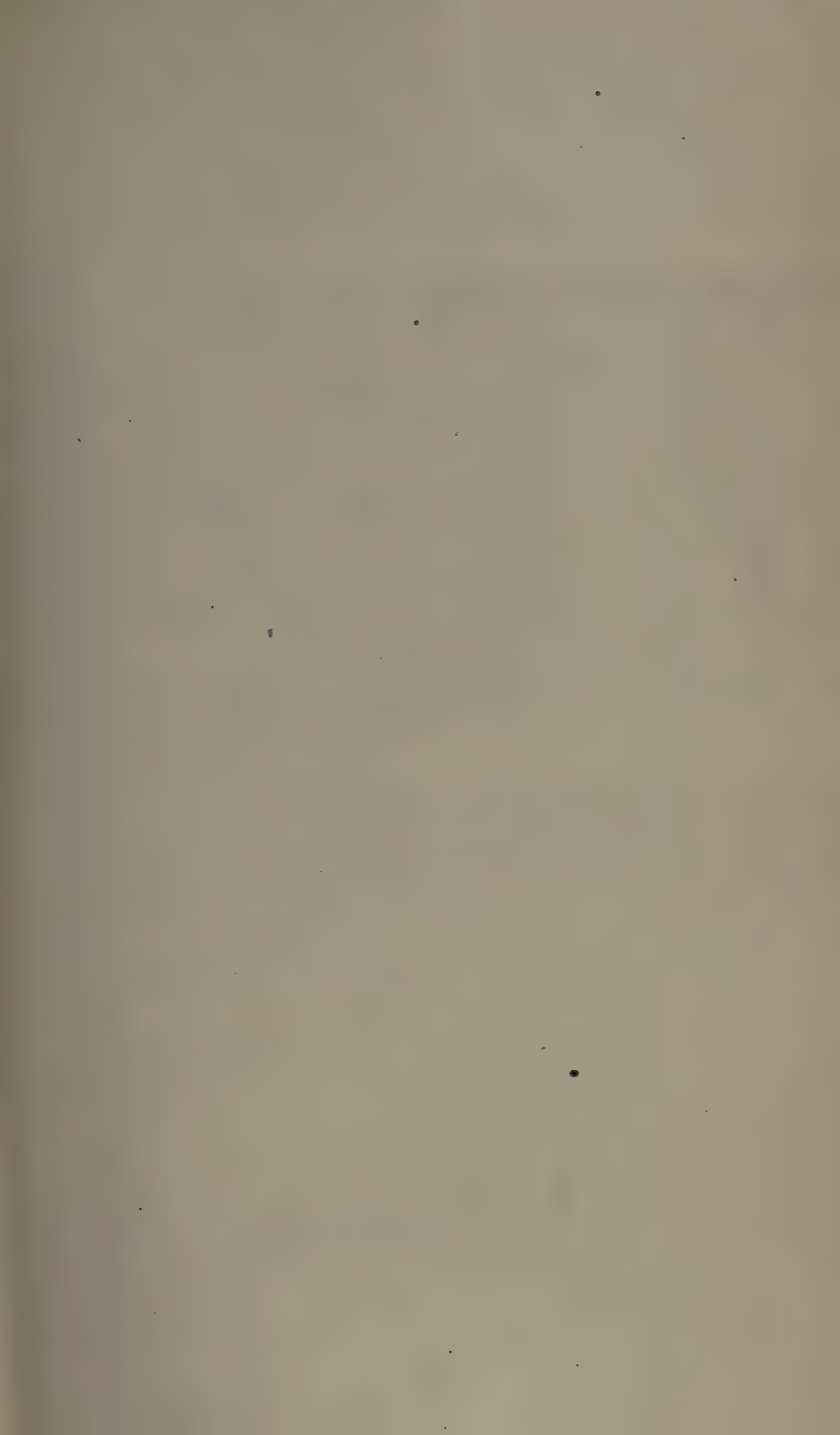
1. Subsection 8 of section 9 of *The Municipal Drainage Act* as enacted by section 6 of Chapter 28 of the Acts passed at the second session held in the 62nd year of the reign of Her late Majesty Queen Victoria, is amended by striking out all the words thereof after the word petition in the second line thereof and substituting therefor the words "or within such further time as the council may in their discretion from time to time appoint, and the council may adopt the report of the engineer if they see fit notwithstanding that such report is made after the sixty days herein fixed for making the same or after any extended period fixed by the council under this subsection." Rev Stat. c. 226,
s. 9 sub. 8
amended.

2. *The Municipal Drainage Act* is amended by adding thereto the following section:—

9a. To remove doubts it is hereby declared that where any by-law has been passed by the council of any municipality for the construction of any drainage work under this Act, upon a report of the engineer which has been adopted by the council, and where the time for moving to quash such by-law has expired under this Act, and no application to quash the same has been made, such by-law shall not be quashed or declared void or illegal in any proceedings taken respecting the same by reason only that the report of the engineer has not been filed within six months after the filing of the petition provided for in this Act, or within the extended period provided for in subsection 8 of this section.

But this subsection shall not apply to or affect any pending litigation respecting any such by-law.

■ 3. Subsection 1 of section 63 of *The Municipal Drainage Act* is amended by striking out the words "thirty days" in the second line and inserting in lieu thereof the words "six weeks." ■



NO. 100.
3rd Session, 11th Legislature,
7 Edward VII., 1907.

BILL.

An Act to amend the Municipal Drainage
Act.

First Reading 14th February, 1907.
Second Reading 15th March, 1907.

*(Reprinted as amended by the Municipal
Committee.)*

MR. FERGUSON.
(Grenville).

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

An Act respecting Mortgages of Real Estate.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. When in any mortgage made after the passing of
5 this Act provision is made that if interest is paid promptly it will be accepted at a lower rate than that provided in such mortgage, and interest at such lower rate has been paid according to such condition up to the time when all the principal money is payable, any person liable to pay
10 or entitled to redeem the same shall be entitled to pay the principal money and interest on the same at such lower rate at any time after the time for payment of the principal money on giving three months' notice of his intention to make such payment or paying three months' interest at
15 such lower rate in lieu of notice.

Paying off mortgage when provision made for a lower rate for punctual payment.

2. This Act shall apply to all mortgages made to loan corporations after the passing of this Act.

Act to apply to mortgages to loan corporations.

No. 107.

7 Edward VII., 1907.
3rd Session, 11th Legislature,

BILL.

An Act respecting Mortgages of Real
Estate.

First Reading, 14th February, 1907.

Mr. EUBER

TORONTO:

PRINTED BY L. K. CAMERON,

Printer to the King's Most Excellent Majesty.

No. 107.

BILL.

1907.

An Act respecting Mortgages of Real Estate.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. When in any mortgage or charge coming due after the passing of this Act provision is made that if interest is paid promptly it will be accepted at a lower rate than that provided in such mortgage, and interest at such lower rate has been paid according to such condition up to the time when all the principal money is payable, any person liable to pay or entitled to redeem the same shall be entitled to pay the principal money and interest on the same at such lower rate at any time after the time for payment of the principal money on giving three months' notice of his intention to make such payment or on paying three months' interest at such lower rate in lieu of notice.

Paying off mortgage when provision made for a lower rate for punctual payment.

2. If the mortgagor, or party entitled to make such payment, fails to pay the same at the time mentioned in such notice, he shall thereafter only be entitled to make such payment on paying the principal and interest at the lower rate to the date of payment, together with three months' interest in advance.

Mortgagor failing to pay according to notice.

7 Edward VII, 1907.
3rd Session, 11th Legislature,

BILL.

An Act respecting Mortgages of Real
Estate.

First Reading, 14th February, 1907.
Second Reading, 19th February, 1907.

*(Reprinted as amended by the Legal
Committee.)*

MR. ELLER.

TORONTO:

PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

An Act to amend The Municipal Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 141 of *The Consolidated Municipal Act, 1903*, ^{3 Edw. VII. c. 19, s. 141,} is amended by adding thereto the following subsection: ^{amended.}

(3) When two or more candidates for any office have the same surnames, the christian name or names or the initials thereof of each candidate shall be printed in front of the surname and in the same font of type as the surname ^{Printing names of candidates on ballots.}
10 wherever the surname appears on the ballot paper.

2. Subsection 1 of section 295 of *The Consolidated Municipal Act, 1903*, is amended by striking out the words ^{3 Edw. VII. c. 19, s. 295, subs. 1.} "or the clerk or treasurer of the municipality" in the 7th ^{amended.} and 8th lines of the said subsection.

No. 108.

3rd Session, 11th Legislature,
7 Edward VII., 1907.

BILL.

An Act to amend The Municipal Act.

First Reading, 14th February, 1907.

Mr. CLARK,
(Bruce).

TORONTO:

PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

An Act to amend The Ditches and Watercourses Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows:—

1. Subsection 1 of section 22 of *The Ditches and Water-* Rev. Stat. c. 285,
s. 22, subs. 1
amended.
5 *courses Act* is amended by striking out the words "from
the filing thereof" in the third line and inserting in lieu Time for
appeal from
award.
thereof the words "from the date of the mailing or service
of the last of the notices of the filing of the award as pro-
vided in section 18."
- 10 2. Section 8 of *The Ditches and Watercourses Act* is Rev. Stat. c. 285,
s. 8 amended.
amended by adding at the end thereof the following words:
"In case the clerk shall fail or neglect to mail or serve Penalty for
clerk neglect-
ing to mail
notice of filing
award.
all of such notices within five days after the filing of the
award he shall on summary conviction thereof incur a
15 penalty of not more than \$10 to be recoverable with costs Rev. Stat. c. 90.
as provided by *The Ontario Summary Convictions Act*.

No. 109.

3rd Session, 11th Legislature,
7 Edward VII., 1907.

BILL.

An Act to amend The Ditches and Water-
courses Act.

First Reading, 14th February, 1907.

Mr. FERGUSON,
(Grenville).

TORONTO:

PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty

No. 110.

BILL.

1907.

An Act to amend The Assessment Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Paragraph 19 of section 5 of *The Assessment Act*, as enacted by section 1 of *The Assessment Amendment Act*, 4 Edw. c. 23, 1906, is amended by striking out the words "having a population of 5,000 or over" in the 5th, 6th, 16th and 17th lines of the said paragraph. s. 5, par. 19 amended.

No. 110.

3rd Session, 11th Legislature,
7 Edward VII., 1907.

BILL.

An Act to amend The Assessment Act.

First Reading, 15th February, 1907.

Mr. PRESTON
(Tamarack).

TORONTO:

PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

An Act to amend The Ontario Insurance Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Subsection 36 of Section 2 of *The Ontario Insurance Act* is amended by striking out the word "phrase" in the first line and inserting the word "words" in lieu thereof, and by inserting the word "heirs" in said first line before the words "legal heirs." Rev. Stat. c. 203, s. 2 subs. 36 amended.
2. Subsection 1 of section 92 of *The Ontario Insurance Act* as enacted by the Act 1 Edward VII. chapter 21, section 4 is amended by inserting therein after the word "Municipal" in the eleventh line thereof the words "or school." Rev. Stat. c. 203, s. 92, subs. 1 amended.
3. Section 148 of *The Ontario Insurance Act* is amended by adding thereto as subsection 3 the following: — Rev. Stat. c. 203, s. 148 amended.

(3) In the event of any claim being made against any insurer that the assured is dead on account of not having been heard of for a period of seven years, such insurer shall have the right either before or after action brought, upon notice to the claimant to apply to a Judge in Chambers for a declaration as to whether or not the evidence furnished such insurer by the person or persons making such claim and the evidence adduced by the insurer establish the presumption of death arising from such absence of the assured. On such an application all the provisions of *The Judicature Act* and rules relating to Chamber motions shall apply. Presumption of death. Rev. Stat. c. 51.
4. Subsection 3 of section 151 of *The Ontario Insurance Act* is amended by inserting after the words "contract of insurance" in the second line thereof, the words "or by his will," and also by inserting after the word "contract" in the 4th line thereof, the words "or by his will." Rev. Stat. c. 203, s. 151, subs. 3.

Rev. Stat.
c. 203, s. 154,
subs. 1
amended.

5. Subsection 1 of section 154 of *The Ontario Insurance Act* is amended by inserting after the word "declaration" in the third and fourth lines thereof, the word "will."

Rev. Stat.
c. 203, s. 159,
subs. 1
amended.

6. Subsection 1 of section 159 of *The Ontario Insurance Act* is amended by inserting after the words "contract of 5 insurance" in the third line thereof the words "or by his will."

Rev. Stat.
c. 203, s. 159,
subs. 8,
amended.

7. Subsection 8 of section 159 of *The Ontario Insurance Act* as enacted by section 7, chapter 15, 4 Edward VII., is amended by inserting therein, between the words "the 10 assured may" and the words "by an instrument in writing" the words "by his will."

Rev. Stat.
c. 203, s. 163.

8. Section 163 of *The Ontario Insurance Act* is amended by adding thereto as subsection 7 the following:—

Place of meet-
ings of friendly
society.

(7) Notwithstanding anything to the contrary contained 15 in its declaration, certificate or articles of incorporation, or in any Act under which it was incorporated, any registered friendly society, when so authorized by its constitution and laws, may hold its meetings annually or otherwise, at any place it may from time to time select, in the 20 Province of Ontario or in any other Province of Canada in which it has subordinate lodges or branches."

No. 111.

3rd Session, 11th Legislature,
7 Edward VII., 1907.

BILL.

An Act to amend The Ontario Insurance
Act.

First Reading, 15th February, 1907.

Mr. HOYLE.

TORONTO:

PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

An Act to amend The Ontario Insurance Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Subsection 36 of Section 2 of *The Ontario Insurance Act* is amended by striking out the words "*the phrase*" in the first line and inserting in lieu thereof the word "heirs." Rev. Stat. c. 203, s. 2 subs. 36 amended.

2. Subsection 1 of section 92 of *The Ontario Insurance Act* as enacted by the Act 1 Edward VII. chapter 21, section 4 is amended by inserting therein after the word "Municipal" in the eleventh line thereof the words "or school." Rev. Stat. c. 203, s. 92 subs. 1 amended.

3. Section 148 of *The Ontario Insurance Act* is amended by adding thereto the following subsection:— Rev. Stat. 203 s. 148 amended

(3) If a claim is made against an insurer on the ground that the assured is presumed to be dead on account of not having been heard of for a period of seven years, and the death of the assured is the sole issue between the parties other than disputes as to the persons entitled, such insurer shall have the right before or after action brought, upon at least ten clear days' notice served on the claimant or his solicitor, to apply to a Judge of the High Court of Justice in Chambers for a declaration as to the presumption of the death of the assured; and in case the Judge is satisfied that a presumption of death has been established, he shall so find and his finding shall (subject to the right of appeal by the parties) be binding and conclusive upon all parties interested as establishing fully the presumption of the death of the assured; and he shall make such order as to the payment of the insurance moneys as he shall see fit, and the payment as so ordered of the said moneys by the insurer shall effectually and completely discharge the insurer from all liability to any

person or corporation whatsoever under the contract of insurance; but in case the judge shall declare that the presumption of death has not been established he may make such further order as shall appear just. Every such application shall be made according to the rules of court and shall operate as a stay of any pending action based upon such disappearance.

Rev. Stat.
c. 203, s. 151,
subs. 4
amended.

4. Subsection 4 of section 151 of *The Ontario Insurance Act* is repealed and is re-enacted as subsection 8 of the said section.

5. Section 151 of *The Ontario Insurance Act* is further amended by inserting after subsection 3 the following subsection which is to be numbered as subsection 4:

(4) *To remove doubts it is hereby declared that in any insurance of the person under this Act, in designating or ascertaining any beneficiary or beneficiaries, preferred or ordinary, under any contract of such insurance and in making or altering any appropriation, disposition or apportionment of the moneys payable thereunder the words "instrument in writing" include a will and for such purpose such will shall speak from the date thereof.*

Rev. Stat.
c. 203, s. 163
amended.

6. Section 163 of *The Ontario Insurance Act* is amended by adding thereto as subsection 7 the following:—

(7) Notwithstanding anything to the contrary contained in its declaration, certificate or articles of incorporation, or in any Act under which it was incorporated, any registered friendly society, when so authorized by its constitution and laws, may hold its meetings annually or otherwise, at any place it may from time to time select, in the Province of Ontario or in any other Province of Canada in which it has subordinate lodges or branches.

3rd Session, 11th Legislature,
7 Edward VII., 1907.

BILL.

An Act to amend The Ontario Insurance
Act.

First Reading, 15th February, 1907.

*(Reprinted as amended by the Select
Committee.)*

Mr. HOYLE.

TORONTO:

PRINTED BY L. K. CAMERON,

Printer to the King's Most Excellent Majesty.

No. 112.

BILL.

1907.

An Act to amend the Municipal Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The paragraph numbered 7 in section 591 of *The Consolidated Municipal Act, 1903*, is amended by inserting after the word "association" in the first line the words "or any association or corporation having for its object or one of its objects the promotion of military art, science and literature."
- 3 Edw. VII
c. 19, s. 591,
para. 7
amended.

NO. 112.
3rd Session, 11th Legislature,
7 Edward VII., 1907.

BILL.

An Act to amend The Municipal Act.

First Reading, 15th February, 1907.

Mr. LENNOX.

TORONTO:

PRINTED BY L. K. CAMERON;

Printer to the King's Most Excellent Majesty.

An Act to amend The Liquor License Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Subsections four, five and six of section twenty-four of the Act passed in the 6th year of His Majesty's reign, chaptered 47, intituled *An Act to amend the Liquor License Laws*, are amended by striking out of the said subsections the word "three-fifths," wherever it occurs therein and by substituting therefor in every such case the words "a majority."

6 Edw. VII.
c. 47 s. 24
subs. 4, 5, 6
amended.

2. Subsection six of section twenty-four of the said Act is further amended by striking out all the words after the word "thereafter" in the eleventh line of the said subsection.

6 Edw. VII.
c. 47, s. 24
subs. 6
amended.

3. *The Liquor License Act* is amended by inserting therein the following section as section 7a.

Rev. Stat.
c. 245 amended.

(1) It shall not be lawful for any license commissioner, license inspector or chief inspector during his tenure of office as such directly or indirectly for himself or through or on behalf of any partner or as agent for any other person or persons to have any interest in any contract, agreement, business engagement, or business relationship with any license holder or the wife or husband of any license holder.

License
commissioners
and inspectors
not to contract
with license
holders.

(2) Any license commissioner, license inspector or chief inspector who violates the provisions of this section shall forthwith cease to hold the office of license commissioner, license inspector or chief inspector, as the case may be, and shall not thereafter exercise any of the functions or receive any of the emoluments of his former office.

Forfeiture of
office.

Contract not to
be enforceable
against license
holders.

(3) It shall be a sufficient answer on the part of any license-holder or the husband or wife of any license-holder as the case may be, to any suit or proceeding brought on or in respect of any such alleged contract, agreement or engagement that at the time the said alleged contract, 5 agreement or engagement was entered into the person with or through or on behalf of whom the alleged contract, agreement or engagement was made was a license commissioner, license inspector or chief inspector as the case may be. 10

No. 113.

3rd Session, 11th Legislature,
7 Edward VII., 1907.

BILL.

An Act to amend The Liquor License Act.

First Reading, 18th February, 1907.

Mr. GRAHAM.

TORONTO:

PRINTED BY L. K. CAMERON,

Printer to the King's Most Excellent Majesty.

An Act to amend The Registry Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 9 of *The Registry Act* is hereby amended by inserting after the word “repair” in the eleventh line thereof the words “and properly heated, lighted and ventilated.”

Rev. Stat.,
c. 136, s. 9,
amended.

Registry
offices.

2. Subsection 2 of section 26 of the said Act is hereby amended by inserting in the second line thereof after the word “York” the words “and of the City of Ottawa.”

Rev. Stat.,
c. 136, s. 26,
subs. 2,
amended.

3. Section 31 of the said Act is repealed and the following substituted therefor:—

Rev. Stat.,
c. 136, s. 31,
repealed.

“31. The Registrar shall certify respecting each register or other book so furnished and provided in the form of Schedule “D” to this Act or to the like effect.” And the said schedule is hereby amended by striking out the words “A. B., Judge of the County Court of or “A. B., Warden of the County of ”

Certifying
registry books.

4. Section 40 of the said Act is amended by adding thereto the following subsection:—

Rev. Stat.,
c. 136, s. 40.

(3) A party to the instrument shall not be competent to make the affidavit required hereunder.

Affidavit of
execution.

5. Subsection 1 of section 70 of the said Act is amended by inserting after the word “thereof” in the second line of such subsection the words “with an affidavit verifying such copy and”.

Rev. Stat.,
c. 136, sub. 1,
amended.

Rev. Stat.,
c. 136, subs. 1,
amended.

6. Subsection 1 of section 78 of the said Act as amended by section 7 of chapter 16 of the Acts passed in the 62nd year of the reign of Her late Majesty Queen Victoria is hereby amended by inserting at the end thereof the following words:—

5

Proviso.

“Provided that it shall be sufficient in the certificate of discharge to state the date of each instrument, document or power of attorney and the names of the parties thereto and to endorse on the certificate the date of registration and number of each instrument, document, or power of attorney, which endorsement shall be signed by the person who signed the certificate or his attorney or agent. The endorsement shall be deemed to be part of the certificate.”

Rev. Stat.,
c. 136, s. 100,
subs. 1,
amended.

7. Subsection 1 of section 100 of the said Act as amended by section 9 of the said chapter 16, is hereby further 15 amended by adding thereto the following clause:—

Plans.

(a) On every such plan the lots or parcels described and designated thereby shall be so described and designated by numbers, letters or words, and so as that there shall not be more than one lot on such plan described and designated by the same number, letter or word, notwithstanding that the lots or parcels are on different sides of the same street or on different streets or in different blocks, and where the designation is by numbers the lots or parcels shall be numbered consecutively.

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Rev. Stat.,
c. 136, s. 111,
subs. 1,
amended.

8. Subsection 1 of section 111 of the said Act is amended by adding thereto the following clause:—

Right of
surveyor to
make searches.

(c) Upon the production to the Registrar of a certificate signed by the head of the municipal council concerned certifying that a surveyor has been employed by the council to prepare a plan for registration under this subsection, the surveyor named in such certificate shall be entitled, within the space of six months from the date thereof, to make personal searches of the books, plans and original instruments in the registry office for the purpose of enabling him to prepare such plan on payment of the ordinary fees payable for searches and productions under the provisions of this Act up to an aggregate amount not exceeding \$25 and for all further searches and productions in excess of \$25, on payment of one-half of the ordinary fees herein provided.”

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Rev. Stat.,
c. 136, s. 118,
Subs. 1,
amended.

9. Subsection 1 of section 118 of the said Act is amended by adding at the end thereof the following words:—“Up to 200 entries and where the instrument embraces more than 200 lots or parcels of land in the same municipality, the registrar shall be allowed an additional fee of 2 cents for entering each lot or parcel in excess of 200.”

45

10. Subsection 2 of section 118 of the said Act is amended by inserting after the word "originally" in the second line thereof the words "surveyed or."

Rev. Stat.,
c. 136, s. 118,
subs. 2,
amended.

11. Subsection 16 of section 118 of the said Act as added by section 22 of the said chapter 16, is hereby amended by inserting after the word "instrument" in the second line of the said subsection the word "document," and also by inserting after the word "office" in the third line of said subsection the words "or requires the registrar to perform for another person any other duty in said registry office."

Rev. Stat.,
c. 136, s. 118,
subs. 16,
amended.

12. Section 125 of the said Act is amended by inserting after the word "city" in the second line thereof, the words "or clerk or assessor of a town or other municipality."

Rev. Stat.,
c. 136, s. 125,
amended.

13. Section 131 of the said Act is amended by inserting after the figures "106" in the fifth line of the said section the words and figures "or section 125."

Rev. Stat.,
c. 136, s. 131,
amended.

14. Section 139 (a) of the said *Registry Act*, being section 1 of chapter 15 of the Acts passed in the first year of the reign of His present Majesty, is hereby amended by inserting after the word "providing" in the fourth line of the said section the word "adequate."

Rev. Stat.,
c. 136, s. 139a,
amended.

3rd Session, 11th Legislature,
7 Edward VII., 1907.

BILL.

An Act to amend The Registry Act.

First Reading, 19th February, 1907.

Mr. FOY.

TORONTO:

PRINTED BY I. K. CAMERON,
Printer to the King's Most Excellent Majesty.

An Act to amend The Registry Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 9 of *The Registry Act* is hereby amended by inserting after the word “repair” in the eleventh line thereof the words “and properly heated, lighted and ventilated.” Rev. Stat.,
c. 136, s. 9,
amended.

2. Subsection 2 of section 26 of the said Act is hereby amended by inserting in the second line thereof after the word “York” the words “and the County of Wentworth and Cities of Ottawa and London.” Rev. Stat.,
c. 136, s. 26,
subs. 2,
amended.

3. Subsection 3 of section 29 of the said Act as added by section 1, Chapter 16 of the Acts passed in the 62nd year of the reign of her late Majesty Queen Victoria, is hereby further amended by inserting the following clause at the end of the present clause (e) of said subsection:—

(f) The words “local description” wherever the same occur in this subsection shall mean a local or general description of lands sufficient to enable the same to be traced or ascertained by a Surveyor. Meaning of
“local description.”

4. The said section 29 is further amended by adding the following as subsection 5 thereof:— Rev. Stat., c.
136, s. 29, subs.
5 amended.

(5) The words “powers of attorney” in subsection 3 hereof shall for the purposes hereof include instruments revoking or altering registered powers of attorney, and instruments appointing substitutes for attorneys appointed under registered powers of attorney.

5. Section 31 of the said Act is repealed and the following substituted therefor:— Rev. Stat.,
c. 136, s. 31,
repealed.

Certifying
registry books.

"31. The Registrar shall certify respecting each register or other book so furnished and provided in the form of Schedule "D" to this Act or to the like effect." And the said schedule is hereby amended by striking out the words "A. B., Judge of the County Court of _____ or "A. B., Warden of the County of _____."

Rev. Stat.,
c. 136, s. 40.

6. Section 40 of the said Act is amended by adding thereto the following subsection:—

Affidavit of
execution.

(3) A party to the instrument shall not be competent to make the affidavit required hereunder.

Rev. Stat. c.
136, s. 46, subs.
2 amended.

7. Subsection 2 of section 46 of the said Act is hereby amended by striking out the word "and" between the figures "3 and 4" therein, and inserting after the said figure "4" the word and figure "and 5."

Rev. Stat.,
c. 136, sub. 1,
amended.

8. Subsection 1 of section 70 of the said Act is amended by inserting after the word "thereof" in the second line of such subsection the words "with an affidavit verifying such copy and".

Rev. Stat. c.
136, s. 76
amended.

9. Section 76 of the said Act is hereby amended by striking out after the word "executed" in the eighth line of the said section the words "in the presence of one witness," and after the word "proven" in the same line the words "by the oath of the subscribing witness thereto."

Rev. Stat.,
c. 136, s. 78,
subs. 1
amended.

10. Subsection 1 of section 78 of the said Act as amended by section 7 of chapter 16 of the Acts passed in the 62nd year of the reign of Her late Majesty Queen Victoria is hereby amended by inserting at the end thereof the following words:—

Proviso.

"Provided that it shall be sufficient in the certificate of discharge to state the date of each instrument, document or power of attorney and the names of the parties thereto and to endorse on the certificate the date of registration and number of each instrument, document, or power of attorney, which endorsement shall be signed by the person who signed the certificate or his attorney or agent. The endorsement shall be deemed to be part of the certificate."

Rev. Stat.,
c. 136, s. 100,
subs. 1,
amended.

11. Subsection 1 of section 100 of the said Act as amended by section 9 of the said chapter 16, is hereby further amended by adding thereto the following clause:—

Plans.

(a) On every such plan the lots or parcels described and designated thereby shall be so described and designated by numbers, letters or words, and so as that there shall not be more than one lot on such plan described and design-

nated by the same number, letter or word, notwithstanding that the lots or parcels are on different sides of the same street or on different streets or in different blocks, and where the designation is by numbers the lots or parcels shall be numbered consecutively.

12. Subsection 1 of section 111 of the said Act is amended by adding thereto the following clause:—

Rev. Stat.,
c. 136, s. 111,
subs. 1,
amended.

(c) Upon the production to the Registrar of a certificate signed by the head of the municipal council concerned certifying that a surveyor has been employed by the council to prepare a plan for registration under this subsection, the surveyor named in such certificate shall be entitled, within the space of six months from the date thereof, to make personal searches of the books, plans and original instruments in the registry office for the purpose of enabling him to prepare such plan on payment of the ordinary fees payable for searches and productions under the provisions of this Act up to an aggregate amount not exceeding \$25 and for all further searches and productions in excess of \$25, on payment of one-half of the ordinary fees herein provided.”

Right of
surveyor to
make searches.

13. Section 112 of the said Act is amended as follows: By inserting in the fourth line thereof after the word “duplicate” the words “certified to be such duplicate by the surveyor who prepared the plan,” and by striking out after the word “shall” in the seventh line of such section the words “upon request and” and by inserting the word “Clerk” before the word “Treasurer” in the ninth line of the said section.

Rev. Stat. c.
136, s. 112
amended.

14. Subsection 1 of section 118 of the said Act is amended by adding at the end thereof the following words:—“Up to 100 entries and where the instrument embraces more than 100 lots or parcels of land in the same municipality, the registrar shall be allowed an additional fee of 2 cents for entering each lot or parcel in excess of 100.”

Rev. Stat.,
c. 136, s. 118,
Subs. 1,
amended.

15. Subsection 2 of section 118 of the said Act is amended by inserting after the word “originally” in the second line thereof the words “surveyed or.”

Rev. Stat.,
c. 136, s. 118,
subs. 2,
amended.

16. Subsection 16 of section 118 of the said Act as added by section 22 of the said chapter 16, is hereby amended by inserting after the word “instrument” in the second line of the said subsection the word “document,” and also by inserting after the word “office” in the third line of said subsection the words “or requires the registrar to perform for another person any other duty in said registry office.”

Rev. Stat.,
c. 136, s. 118,
subs. 16,
amended.

Rev. Stat.,
c. 136, s. 125,
amended.

17. Section 125 of the said Act is amended by inserting after the word "city" in the second line thereof, the words "or clerk or assessor of a town or other municipality."

Rev. Stat.,
c. 136, s. 131,
amended.

18. Section 131 of the said Act is amended by inserting after the figures "106" in the fifth line of the said section the words and figures "or section 125."

Rev. Stat.,
c. 136, s. 139a,
amended.

19. Section 139 (a) of the said *Registry Act*, being section 1 of chapter 15 of the Acts passed in the first year of the reign of His present Majesty, is hereby amended by inserting after the word "providing" in the fourth line of the said section the word "adequate."

3rd Session, 11th Legislature,
7 Edward VII., 1907.

BILL.

An Act to amend The Registry Act.

First Reading, 19th February, 1907.

Second Reading, 21st February, 1907

*Reprinted as amended by Committee of
the Whole House.*

TORONTO:

Mr. Foy.

PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

No. 115.

BILL.

1907.

An Act to amend The Ontario Railway Act, 1906.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 202 of *The Ontario Railway Act, 1906*, is
5 amended by adding thereto the following subsection:—

6 Edw. VII.,
c. 30, s. 202,
amended.

(3) The provisions of this section shall apply to street
railway companies existing or incorporated before as well
as after the passing of this Act.

Duration of
franchises.

2. Subsection 3 of section 228 of the said Act is hereby
10 amended by substituting the words "the thirtieth day of
June" for the words "the thirty-first day of December,"
where these occur in the said subsection.

6 Edw. VII.,
c. 30, s. 228,
subs. 3,
amended.
Period to be
covered by
returns.

No. 115.

3rd Session, 11th Legislature,
7 Edward VII., 1907.

BILL.

An Act to amend The Ontario Railway
Act, 1906.

1st Reading, 19th February, 1907.

Mr. HENDRIE.

TORONTO:

PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

No. 116.

BILL.

1907.

An Act to amend The Ontario Railway and Municipal Board Act, 1906.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 4 of *The Ontario Railway and Municipal Board Act, 1906*, is amended by adding thereto the following subsection:— 6 Edw. VII., c. 31, s. 4, amended.

(8) Whenever by any Act of the Legislature of the Province of Ontario the location of any line of railway or the route and course thereof, and the maps, plans and specifications, and any of the equipment, are subject to the approval of the Lieutenant-Governor in Council or any of his Ministers, or where in Act it is provided that any railway company shall during construction of any line of railway furnish such information as to the location and plans of passenger or freight stations as may from time to time be required by the Lieutenant-Governor or any of his Ministers or that such company shall comply with any directions that may be given for the erection of stations or the number of the same, such power, authority or duty shall be exercised or performed by the Board instead of by the Lieutenant-Governor in Council or any of his Ministers. Powers of Board.

2. Section 18 of the said Act is further amended by adding the following subsection thereto:— 6 Edw. VII., c. 31, s. 18

(3) The Lieutenant-Governor in Council may from time to time, upon the request of the Board, appoint counsel to appear before the Board and conduct any enquiry or hearing or to represent the Board upon the argument of any appeal to the Court of Appeal. Appointment of counsel.

3. Section 57 of the said Act is amended by adding the following subsection thereto:— 6 Edw. VII., c. 31, s. 57 amended.

(1) The Board may from time to time enquire and report as to whether or not such public utilities are operated in such a way and that rates, in respect thereof, are charged sufficient to pay the debenture debt and interest created in respect thereof, together with the cost of operation and maintenance, or whether greater rates are charged than are sufficient for such purposes. 5

All claims and questions which are to be decided by arbitration, as provided or authorized by *The Consolidated Municipal Act, 1903*, and amending Acts, or by *The Muni-10 cial Arbitration Act*, shall be heard and determined by the Board instead of by a County Judge, official arbitrator, or one or more arbitrators.

3rd Session, 11th Legislature,
7 Edward VII., 1907.

BILL.

An Act to amend The Ontario Railway and
Municipal Board Act, 1906.

1st Reading, 19th February, 1907.

Mr. HENDRIE.

TORONTO:

PRINTED BY L. K. CAMERON,

Printer to the King's Most Excellent Majesty.

- An Act to amend The Assessment Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Clause (*d*) in subsection 1 of section 10 of *The Assessment Act* is amended by striking out in the second line of the said clause (*d*) the words "60 per cent." and inserting in lieu thereof "50 per cent."
2. Subsection 7 of the said section 10 of said Act is amended by inserting after the words "subsection 1" in the ninth line the words "nor shall any shareholder owning in his own right not less than 10 per cent. of the total paid-up capital of any such corporation be subject to assessment in respect of any income derived from the business of such corporation."

4 Edw. VII.,
c. 23, s. 10,
subs. 1
amended.
Business assessment of manufacturers.

4 Edw. VII.,
c. 23, s. 10,
subs. 7
amended.
Income assessment.

No. 117.

3rd Session, 11th Legislature,
7 Edward VII., 1907.

BILL.

An Act to amend the Assessment Act.

1st Reading, 19th February, 1907.

Mr. McNAUGHT.

TORONTO.

PRINTED BY L. K. CAMERON,

Printer to the King's Most Excellent Majesty.

An Act respecting certain Railway and other
Corporations:

HIS MAJESTY, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario,
enacts as follows:—

1. In this Act the expression “public utility” shall have
5 the same meaning as in *The Ontario Railway and Municipal Board Act, 1906*, and shall also include railways how-
ever operated, street railways and works for the trans-
mission of gas, oil, water or electrical power or energy.

“Public
utility,”
meaning of.

2. In case the undertaking of any company or other
10 corporation operating a public utility and incorporated
under a general or special Act of the Province of Ontario
is, by the Parliament of Canada, declared to be a work
for the general advantage of Canada or is absorbed by or
amalgamated with or controlled or operated by any com-
15 pany or other corporation whose undertaking has been de-
clared a work for the general advantage of Canada, or which
is not subject to the Legislative control of this Province,
then unless the Lieutenant-Governor in Council has other-
wise declared all powers, rights, privileges and franchises
20 conferred upon such first mentioned company by letters pat-
ent or by any general or special Act of this Province shall
thereupon cease and determine and every municipal by-
law passed and every agreement entered into with any mu-
nicipal corporation authorizing such company to carry on
25 business or granting any franchise thereto shall thereupon
become void and be of no effect and such company shall
forfeit all claim to any bonus or other aid granted by any
municipal corporation. Provided that nothing in this sec-
tion contained shall affect the validity of any debentures
30 issued by a municipal corporation for payment of any such
bonus in the hands of a *bona fide* holder for valuable con-
sideration.

Forfeiture of
rights by com-
pany passing
out of juris-
diction of
Province.

Municipal
corporations
not to contract
with com-
panies not
under juris-
diction of
Province.

3. Notwithstanding anything in any Act contained, no municipal corporation shall hereafter enter into any contract with or pass any by-law in relation to any public utility company, which has been declared to be a work for the general advantage of Canada, or which is not within the legislative jurisdiction of this Province, until the Lieutenant-Governor in Council has approved of such by-law or agreement, and every by-law passed or agreement entered into in violation of this section shall be utterly void and of no effect. 5 10

No. 118.

3rd Session, 11th Legislature,
7 Edward VII., 1907.

BILL.

An Act respecting certain Railway and
other Corporations.

First Reading, 15th February, 1907.

Mr. HENDRIE.

TORONTO:

PRINTED BY L. K. CAMERON,

Printer to the King's Most Excellent Majesty.

An Act respecting certain Railway and other
Corporations.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. In this Act the expression "public utility" shall have the same meaning as in *The Ontario Railway and Municipal Board Act, 1906*, and shall also include railways however operated, street railways and works for the transmission of gas, oil, water or electrical power or energy.

2. In case the undertaking of any company or other corporation operating a public utility and incorporated under a general or special Act of the Province of Ontario is, by the Parliament of Canada, declared to be a work for the general advantage of Canada or is absorbed by or amalgamated with or controlled or operated by any company or other corporation whose undertaking has been declared a work for the general advantage of Canada, or which is not subject to the Legislative control of this Province, the Lieutenant-Governor in Council may by Order in Council declare a forfeiture of all or any of the powers, rights, privileges and franchises conferred upon such first mentioned company by letters patent or by any general or special Act of this Province and thereupon all such powers, rights, privileges and franchises so declared to be forfeited shall cease and determine and every municipal by-law passed and every agreement entered into with any municipal corporation authorizing such company to carry on business or granting any franchise thereto shall also thereupon become void and be of no effect and such company shall forfeit all claim to any bonus or other aid granted by any municipal corporation. Provided that nothing in this section contained shall effect the validity of any debentures issued by a municipal corporation for pay-

"Public utility," meaning of.

Forfeiture of rights by company passing out of jurisdiction of Province.

ment of any such bonus in the hands of a *bona fide* holder for valuable consideration, nor the claim of any *bona fide* creditor or creditors.

Municipal corporations not to contract with companies not under jurisdiction of Province.

3. Notwithstanding anything in any Act contained, no municipal corporation shall hereafter enter into any contract with or pass any by-law in relation to any public utility company, which has been declared to be a work for the general advantage of Canada, or which is not within the legislative jurisdiction of this Province, until the Lieutenant-Governor in Council has approved of such by-law or agreement, and every by-law passed or agreement entered into in violation of this section shall be utterly void and of no effect.

3rd Session, 11th Legislature,
7 Edward VII., 1907.

BILL.

An Act respecting certain Railway and
other Corporations.

First Reading, 19th February, 1907.
Second Reading, 27th March, 1907.

*(Reprinted as amended by Committee of
the Whole House.)*

MR. HENDRIE.

TORONTO:

PRINTED BY L. K. CAMERON,

Printer to the King's Most Excellent Majesty.

An Act for the administrative control of Pulmonary
Phthisis.

HIS MAJESTY, by and with the advice and consent
of the Legislative Assembly of the Province of On-
tario, enacts as follows:—

1. This Act may be cited as *The Act for the Adminis-* Short title.
trative Control of Pulmonary Phthisis.

2. In the construction of this Act:—

Interpretation.

(a) "Department" shall mean the department of the
Provincial Secretary.

(b) "Minister" shall mean the Provincial Secretary for
10 the Province of Ontario.

(c) "Association" shall mean the anti-tuberculosis asso-
ciation which may be hereafter formed under the pro-
visions of this Act in any city, or town or in any one or
more wards or portions of any city.

15 (d) "Municipality" shall mean a city or town or one or
more wards or portions of any city as the case may be.

(e) "Person" shall mean a male or female over the age
of 18 or a firm or incorporated company.

3. The Minister may decide all matters of doubt or dis- Minister to
20 pute as to the working or construction of this Act, and his decide all
decision shall be final, except that an appeal therefrom matters of
may be made to the Lieutenant-Governor in Council. doubt.

4. The Minister may appoint any person or persons to Inspection of
inspect the books of account of any association under or books of
25 by virtue of this Act, and may empower such person to Association.
summons witnesses and enforce the production of docu-
ments before him, and to take evidence upon oath in regard

to such inspection, and all officers of any such association whenever required so to do, shall submit the books and accounts thereof to such inspection, and shall truly to the best of their knowledge answer all questions put to them in relation thereto, or the funds of such association.

5

Organization of Associations.

5. An association may be organized in any municipality in the Province of Ontario.

Mode of organization.

6. The mode of organization shall be as follows:—

(a) A declaration in the form of Schedule "A" to this Act shall be signed by those persons resident of the municipality in which the association is proposed to be organized, desiring to organize an association under this Act. The number of such persons shall be at least ten for every one thousand of the population resident in such municipality, according to the last revised assessment roll thereof, but this Act shall not apply unless the association shall have subscribed and paid up at least the sum of four hundred dollars. 10 15

(b) No person shall be considered a member of any association for any year unless he shall have paid at least one dollar into the funds of that association as membership fee for that year. 20

(c) Within one month after the money has been so paid, a true copy of the said declaration, with the names and addresses of the signers of the same, shall be transmitted to the Minister, who shall thereupon authorize a person to call the first meeting for the organization of the association. 25

(d) The first meeting of the association shall be held on the third Wednesday of the month next ensuing the receipt of such authority from the Minister, of which meeting at least two weeks' public notice shall be given by advertisement in one or more newspapers published in the municipality, and also by a printed notice directed to each member of the association and mailed to him through the post office of the municipality. 30 35

(e) At the said meeting and at all subsequent meetings of any association ten members shall constitute a quorum.

(f) At the said meeting there shall be elected a president, a vice-president and not more than nine directors who together shall form the board of directors, all of whom shall be resident in the municipality in which the association is organized, and at the said first meeting the association shall appoint two auditors for the ensuing year.

(g) The board of directors, from among themselves or otherwise, a secretary and a treasurer, or a secretary-treasurer.

(h) A report of the organization meeting, certified by the president and secretary and containing a statement of the number of members, and a list of the officers elected and appointed, shall be sent within one week after the holding of the meeting, to the Department.

7. A firm or an incorporated company may become a member of any association by the payment of the required fee, but the name of one person only shall in any one year be entered as the representative or agent of such firm or company, and such person only shall exercise the privileges of membership in the association. Firms and companies may be members.

8. Upon the receipt of such report the association so organized shall be deemed the Anti-Tuberculosis Association for such municipality and which association so constituted and recognized shall be entitled to the legislative grant hereinafter provided and to enjoy all the privileges granted by this Act. How Association to be styled.

9. The objects of the Association shall be the administrative control of pulmonary phthisis by,— Objects of Association.

(a) The establishing of a tuberculosis dispensary in the municipality.

(b) The reception and examination of patients at the dispensary and the keeping of a record of every patient, with an account of his illness, history, surroundings and present condition, the record being added to on each subsequent visit.

(c) The bacteriological examination of expectoration and other discharges.

(d) The instruction of patients in how to treat themselves and how to prevent or minimize the risk of contagion or infection to others.

(e) The dispensing of necessary medicines, disinfectants, sputum bottles, and where the patient's condition seems to warrant it, of foodstuffs and the like.

(f) The visitation of patients at their homes by a qualified medical man and a special trained nurse or by either for the double purpose of treatment and investigation into the state of the dwelling, the general conditions of life and the risk of infection or contagion to others.

(g) The recommendation of more likely persons for hospital treatment either of early cases for the sanatorium

or of late cases for incurable sanatoria, and the supervision of patients after discharged from the sanatorium when necessary.

(h) For the distribution of indoor and outdoor tents for the use of patients, and for the guidance generally of consumptives and friends of patients and for enquiries on all questions relating to consumption. 5

Annual
meetings.

10.—(a) The annual meetings of the several associations shall be held in each year on the second Wednesday in the month of January at half past seven o'clock in the evening. At any such meeting only those members who have paid their subscription for the ensuing year shall be entitled to vote. 10

(b) At least two weeks' previous notice of any such meeting shall be given by advertisement in one or more newspapers published in the municipality to which the association belongs. 15

(c) In case any association shall through any cause fail to hold its annual meeting at the time appointed, the Minister on petition of twenty members may appoint a time for holding the same before the first day of April in the same year, such meeting to be called as for the regular annual meeting and such meeting shall in all particulars be taken as the annual meeting of the association. 20

(d) In the event of the annual meeting not being held as provided for in this Act, or in the event of the number of members on the first day of September in any year being less than the number required for organization, the association shall not be entitled to receive any further financial aid from the Legislature of the Province, and shall be deemed to have been dissolved, but the directors elected at the last properly constituted meeting of the association prior to the said first day of September shall be deemed to be trustees of the assets of the association until the same are disposed of by the order of the Minister in accordance with the following subsection:— 25 30 35

(e) Upon being notified or becoming aware of the dissolution of any association under the provisions of the preceding subsection, the Minister may order the directors to deliver over the assets (if any) remaining after all just debts have been paid to the directors of the association in proportion to the number of paid-up members of the association at the end of the then previous year. 40

Business to
be transacted
at annual
meeting.

11. In addition to any other business the following business shall be transacted at the annual meeting: 45

(a) The board of directors shall present at such meeting a report of their proceedings for the past calendar year in

which shall be stated the names of all the members of the association, the amount paid by each being set opposite to his or her name.

(b) The board of directors shall present a detailed statement of the receipts and expenditure for the preceding year, also a statement of the assets and liability of the association at the end of the year certified to by the auditors.

(c) The officers and other directors specified in section 7 and to be qualified as therein provided, shall be elected by the members, and auditors shall be appointed for the ensuing year.

12. The said report shall, if approved by the meeting, be placed on permanent record in the books of the society and certified copies shall be sent within one month to the Department, and the Minister may require all such reports to be made out on schedules to be supplied by the Department in such form as may be directed.

Report to be placed on record.

13. The members of each association may at an annual meeting or a special meeting of which two weeks' previous notice has been given by advertisement in the manner required by section 10, make, alter and repeal by-laws and regulations for the general management of the association. Subject to these by-laws and regulations the board of directors shall have full power to act for and in behalf of the association and all grants and other funds of the association shall be received and expended under their direction.

By-laws and regulations.

14. The first meeting of the board of directors of an association may be held upon the day of the annual meeting and the subsequent meetings of directors shall be held pursuant to adjournment or shall be called by written notice given by authority of the president or in his absence of the vice-president or on written request of any three of the directors at least one week before the day appointed and at any meeting five shall be a quorum.

Meetings of directors.

15. On or before the first day of September in each year the officers of every association shall send to the Department an affidavit which may be sworn to before a commissioner, notary public or justice of the peace, in the form of Schedule "—" annexed to this Act stating the number of members and the total amount paid in at that time for membership fees to the officers of the society for the current year.

Annual return.

16. Every association shall be entitled to receive a grant out of the unappropriated moneys in the hands of the

Provincial aid.

Treasurer of the Province, the grant to be paid on the recommendation of the Department and to be upon the following conditions:—

(a) *That the number of paid-up members for the current year is not less than the number required for organization.* 5

(b) *That all reports and returns required by this Act have been made to the satisfaction of the Minister.*

(c) *That the annual meeting has been held as required and officers elected in accordance with section 11.*

(d) *That the objects of said association as given in section 9, have been strictly adhered to, and that none of the funds of the society from whatever source derived whether by private subscription or otherwise, have been expended in any manner not in harmony with the objects of the association.* 15

Limit of grant. 17. *The legislative grant for each association shall be as follows: An amount not exceeding the sum total of the paid-up fees of the members of the association for the then current year, provided that in every municipality the membership fee shall not exceed the sum of one dollar, and the number of paid-up members shall not be less than the number required for the purpose of organization.* 20

Approval of by-laws by members.

18. *All by-laws and regulations of the said associations shall be approved of by a majority of the members present at an annual meeting or of a special meeting called for the purpose of considering the same and of which at least two weeks' notice shall be given by public advertisement.* 25

Powers of officers.

19. *The officers shall have full power to act for and on behalf of the association and all grants of money and other moneys of the associations shall be received and expended under their direction, subject nevertheless to the by-laws and regulations of the association.* 30

Report of retiring officers.

20. *At each annual meeting the retiring officers shall present a full report of their proceedings and of the proceedings of the association and a detailed statement of the receipts and expenditures for the previous year and of the assets and liabilities duly audited. A copy of the said report and statement of the receipts and expenditures and statement of the assets and liabilities, a list of members and a list of the officers elected and also such information on matters of special interest to each association that such association has been able to obtain shall be sent to the Minister within forty days after the holding of such annual meeting.* 40

Treasurer to give security.

21.—(1) *The treasurer of every association under this Act before entering upon the duties of his office shall give* 45

such security either by joint or several covenant with one or more sureties, which may be in the form given in Schedule — to this Act, or otherwise as the board of directors or other managing officers may deem necessary, 5 for the faithful performance of his duties and especially for the duly accounting for and paying over of moneys which may come into his hands.

(2) It shall be the duty of every such board in each and every year to enquire into the sufficiency of the security 10 given by such treasurer and to report thereon, and whether the same treasurer for any association is re-appointed from year to year his appointment shall not be considered as a new term of office but as a continuation of the former appointment and any bond or security given 15 to the society for the faithful performance of his duties under such re-appointment shall continue valid as against the parties thereto.

22. The municipal council of any municipality may 20 grant or loan money in aid of any association when such association has made the returns required by this Act to be made to the Minister, provided always that the total amount of money to be granted or loaned by any municipality to an association under this section, shall not exceed one-half of the total sum subscribed in membership 25 fees in any one year.

Aid from
municipalities.

3rd Session, 11th Legislature,
7 Edward VII., 1907.

BILL.

An Act for the administrative control
of Pulmonary Phthisis.

First Reading, 20th February, 1907.

MR. TORRANCE.

TORONTO:

PRINTED BY L. K. CAMERON,

Printer to the King's Most Excellent Majesty.

An Act to amend The Liquor License Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. *The Liquor License Act* is amended by adding thereto the following section:—

Rev. Stat. c.
245, amended

143a.—(1) The council of any township, town or village in which a by-law prohibiting the sale of liquors by retail is in force or has been assented to by the electors and is about to come into force may from time to time by by-law provide for granting aid by the annual payment of a sum of money to any person for the establishment or maintenance of one or more hotels in the municipality; Provided that in case the amount payable annually under any such by-law, with the amount if any already granted for such purpose exceeds the sum of \$2,000 in the case of a municipality having a population of 5,000 or over, or \$1,000 in the case of a municipality having a population of 2,000 or over but less than 5,000, and \$500 in the case of a municipality having a population of less than 2,000, the by-law shall first be submitted to and receive the assent of the electors in the manner provided by *The Consolidated Municipal Act, 1903*, in respect to by-laws for the creation of debts.

By-laws for granting aid to hotels in certain local option municipalities.

5 Edw VII.
c. 19.

(2) No by-law passed under this section shall remain in force nor shall any such annual grant be paid after the repeal of the by-law prohibiting the sale of liquors by retail.

By-laws to lapse in case of repeal of local option by-law.

(3) The council may by the by-law granting such aid or by any other by-law impose such conditions and make such regulations as they may deem reasonable and proper and may require the person receiving the grant to enter into an agreement to observe such conditions and regulations and to give security therefor.

Council may impose conditions and make regulations.

Grant not to
be paid after
conviction for
offence.

(4) No such annual grant shall be paid to any person who has since the enactment of this section been convicted of a violation of this Act or of any regulations made thereunder or of any conditions or regulations contained in the by-law granting the aid or in any other by-law of the municipality, and as to such person the by-law granting such aid shall from the date of such conviction be deemed to be repealed. 5

No. 120.

3rd Session, 11th Legislature,
7 Edward VII., 1907.

BILL.

An Act to amend The Liquor License Act.

First Reading, 20th February, 1907.

Mr. PRESTON
(Durham).

TORONTO:

PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

An Act to amend The Municipal Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Subsection 1 of section 617*a* of *The Consolidated Mu-* 3 Edw. VII.,
5 *nicipal Act, 1903*, is amended by inserting after the word *c. 19, s. 617a,*
“township” in the first line the words “or of any town hav- subs. 1,
ing an equalized assessment of less than \$1,000,000.” amended.

2. The said section 617*a* is amended by inserting the words “or town” after the word “township” in the fifth
10 and eighth lines respectively of subsection 1 of the said section and by inserting the words “or town” after the word “township” wherever the said word occurs in subsections 2 to 6 inclusive of the said section.

3rd Session, 11th Legislature,
7 Edward VII., 1907.

BILL.

An Act to amend The Municipal Act.

First Reading, 20th February, 1907.

Mr. CRAIG.

TORONTO:

PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

No. 122.

BILL.

1907.

An Act to amend The Assessment Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Subsection 2 of section 57 of *The Assessment Act* is ^{4 Edw. VII. 23, s. 57, subs. c. 2, amended.} repealed and the following substituted therefor:—

2. Each member of the Court of Revision for a city shall ^{Payment of members of City Court of Revision.} be paid such sum not less than \$300 per annum for his services as the council may by by-law or resolution provide.

3rd Session, 11th Legislature,
7 Edward VII., 1907.

BILL.

An Act to amend The Assessment Act.

First Reading, 20th February, 1907.

Mr. PRISTON
(Lanark).

TORONTO:

PRINTED BY L. K. CAMERON,

Printer to the King's Most Excellent Majesty.

An Act to amend The High Schools Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. *The High Schools Act* is amended by adding thereto 1 Edw. VII. c.
5 the following section:— 40 amended.

33a. The Department of Education shall on or before the 1st day of March of each year furnish to the clerk of every county or union of counties within the Province, and to the secretary of every board of trustees of every high school within the Province, a statement in writing showing the average cost of maintenance per pupil of all the pupils attending the high schools within the Province for the past year after deducting from the total cost of maintenance for all pupils attending such high schools the various Legislative grants apportioned by the Minister of Education towards the maintenance of such high schools. Such statement shall be admissible as conclusive evidence of the facts stated in any legal proceedings under this Act.

Department of Education to furnish particulars as to average cost of maintenance of pupils.

- 20 2. Section 34 of *The High Schools Act* as amended by sections 1 and 2 of the Act passed in the 3rd year of His Majesty's reign, chaptered 33, is repealed and the following section substituted therefor:— 1 Edw. VII. c. 40, s. 34, repealed.

34.—(1) Where the cost of maintenance of county pupils at any high school exceeds the legislative grant apportioned by the Minister of Education and the fees received from county pupils, the county shall in lieu of the equivalent of the legislative grant be liable to pay for each county pupil attending such high school for the year or proportion of the year which he has so attended an amount equal to the average cost of maintaining a pupil at a high school in Ontario, as shown by the statement to be furnished by the Department, as in section 33a of this Act pro-

When county to contribute to cost of county pupils.

vided for, after deducting therefrom the fees paid by such pupil.

Contribution
by municipal-
ities not in
high school
district.

(2) Any municipality not included in a high school district of the county may provide for the payment of its share of the maintenance of county pupils by assessment 5 upon the ratepayers of the municipality. The amount payable in such case shall be in the proportion which the equalized assessment of the municipality bears to the equalized assessment of the municipalities of the county not included in any high school district. When any rate is 10 levied as aforesaid then such municipality shall not be liable except as provided in section 36 for any other rates for high school purposes, and all moneys so collected shall be paid to the county treasurer on or before the 15th day of December in each year. 15

When council
to contribute
to maintenance
of pupils in
city or town.

(3) Where, owing to distance or to inconvenience for transportation, the inspector of public schools of any county deems it desirable that county pupils resident in such county within certain areas named by him should attend a high school in a city or town separated from the county 20 which is nearer or more accessible to such pupils than any high school of the county, he may where the trustees of such high school have by resolution consented thereto, direct by notice in writing to the trustees of the high school in such city or town, and to the county council, that the 25 high school of such city or town shall be open to county pupils within such area upon the same terms as high schools in municipalities not separated from the county, and thereupon and until the said inspector shall otherwise direct or the said trustees shall withdraw such consent, the county 30 council shall pay for each pupil from such area attending such high school a sum equal to eighty per cent. of the amount to be paid for a county pupil as provided for in subsection 1 of this section. Provided always that where the fees charged by such high schools to such pupils are 35 less than one dollar a month or where no fee is charged then in calculating the amount to be paid by the county under this section, the sum of one dollar a month shall be deducted as the amount payable by such pupil as fees.

Contribution
to school in an
other county.

(4) Where owing to distance or to inconvenience for 40 transportation the inspector of public schools of any county deems it desirable that county pupils resident in such county within a certain area to be named by him should attend a high school in an adjacent county he may where the trustees of such high school have by resolution con- 45 sented thereto, direct by notice in writing to the trustees of such high school and to the council of the county in which such area is situate that such high school shall be open to pupils within such defined area upon the same terms as the county pupils from such adjacent county and 50

thereupon and until the said inspector shall otherwise direct or the said trustees shall withdraw such consent, the council of the county in which such area is situate shall pay to the trustees of such high school in such adjacent
 5 county for each pupil attending such high school from such area a sum equal to fifty per cent. of the amount to be paid for a county pupil as provided for in subsection 1 of this section, but subject always to the same deduction as to fees as is provided for in the proviso contained in
 10 the preceding subsection hereof.

(5) In case of any dispute between the county and a board of high school trustees or between a county and any other
 county as to the amount payable under this section, the
 same shall be referred to the judge of the county in which
 15 the pupils the cost of whose maintenance is in question reside as sole arbitrator and the said judge shall hear and determine the matter upon such evidence as to him may seem applicable and his decision shall be final and conclusive between the parties, and the costs of the reference to
 20 him shall be borne by the parties thereto in such manner as he shall direct.

Disputes as to maintenance of county pupils.

No. 123.

3rd Session, 11th Legislature,
7 Edward VII., 1907.

BILL.

An Act to amend The High Schools Act.

First Reading, 20th February, 1907.

Mr. CRAIG.

TORONTO:

PRINTED BY I. K. CAMERON,
Printer to the King's Most Excellent Majesty.

No. 124.

BILL.

1907.

An Act to amend The Municipal Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Subsection 4 of section 672 of *The Consolidated Municipal Act, 1903*, is amended by adding the following clause thereto:—

3 Edw. VII., c.
19, s. 672, subs.
4, amended.

“(d) Or unless the work or improvement has been constructed under section 677 hereof.”

Permanent
sidewalks and
pavement.

2. *The Consolidated Municipal Act, 1903*, is amended by adding thereto the following section as 677 (b) thereof:

3 Edw. VII., c.
19, amended.

“677.—(b) To remove doubts it is hereby declared that the intent and meaning of section 677 of this Act is and always has been that the provisions of sections 670 and 672 of this Act apply to the works and the cost thereof of the nature described in the said section 677 and constructed under the provisions thereof and that the provisions of this Act relating to borrowing money and issuing debentures to pay the cost of local improvements apply to works constructed under the provisions of said section 677.”

Work con-
structed under
section 677.

3rd Session, 11th Legislature,
7 Edward VII., 1907.

BILL.

An Act to amend The Municipal Act.

First Reading, 21st February, 1907.

Mr. DOWNEY.

TORONTO:

PRINTED BY L. K. CAMERON,

Printer to the King's Most Excellent Majesty.

An Act to create the Provisional Judicial District of Sudbury.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The following parts of the Districts of Algoma and Nipissing are hereby separated therefrom and shall form a territorial district, that is to say: First—That part of the District of Algoma included within the following limits:—
- Commencing at a point on the boundary line between the Territorial Districts of Algoma and Nipissing, at the northeast angle of the Township of Humboldt; thence due north astronomically along the said district boundary to the southern shore of James Bay or northern boundary of the Province; thence westerly along the shore of said bay and up the Albany River along said provincial boundary to where the same is intersected by the boundary between the Territorial Districts of Algoma and Thunder Bay in longitude eighty-five degrees and twenty minutes west; thence due south along said meridian line to a point twenty-three miles south of the centre line of the right of way of the Canadian Pacific Railway two miles twenty-eight chains seventy-five links west of the White River Station; thence due east astronomically along the north limit of Township Range Number 26 a distance of forty-eight and a quarter miles more or less to the northeast angle of Township Number 26 in said range; thence due south astronomically twenty-four miles more or less to the south limit of Township Range Number 23; thence due east astronomically along the south limit of said range fourteen miles more or less to the northeast angle of Township Number twenty-four in Range Number 22; thence due south astronomically along O. L. Surveyor Speight's meridian line thirty-six miles to the forty-second mile post thereon; thence due east astronomically sixty-four miles

Provisional
judicial district
of Sudbury,
how composed.

more or less to the forty-second mile post on O. L. Surveyor Niven's meridian line; thence due south astronomically along said meridian line a distance of thirty miles to the twelfth mile post thereon; thence due east astronomically thirty miles to O. L. Surveyor David Beatty's 5 meridian line; thence due south astronomically along said meridian line twelve miles more or less to the northwest angle of Township Number 115; thence continuing due south astronomically along the west limit of Townships numbers 115 and 114 twelve miles more or less to the 10 northeast angle of Township Number 120; thence due west astronomically along the north limit of said township six miles to the northwest angle thereof; thence due south astronomically along the west limit of Townships Numbers 120, 119, 118, Gough, May and Harrow, a distance of 15 thirty-six miles more or less to the north shore of Lake Huron; thence easterly along the north shore of said lake to P. L. Surveyor Salter's second meridian line; thence due north along said meridian line one mile more or less to the southwest angle of Township No. 90; thence due 20 east astronomically along the south limit of Townships Numbers 90 and 82 and along the north limit of Townships of Carlyle and Humboldt to the place of beginning, to include also all islands in Lake Huron and the Georgian Bay of said lake lying between the eastern limit of the Town- 25 ship of Humboldt and the western limit of the Township of Harrow not included in the Provisional Judicial District of Manitoulin.

Second:—That part of the Territorial District of Nipissing included within the following limits:— 30

Commencing at the water's edge of the Georgian Bay near the most westerly mouth of the French River where the same is intersected by the territorial boundary between the Districts of Nipissing and Algoma; thence north astronomically along the said territorial boundary a distance of seventy miles more or less to the northwest 35 angle of the Township of Creelman; thence due east astronomically along the north boundary of said township six miles more or less to the northeast angle thereof; thence due south astronomically along the east limit there- 40 of six miles more or less to the northwest angle of the Township of Parkin; thence due east astronomically along the north boundary of the Townships of Parkin, Aylmer, McKelcan and McCarthy a distance of twenty-five miles more or less to the northeast angle of the latter; thence due 45 south astronomically along the east limit of said Township of McCarthy six miles more or less to the northwest angle of the Township of McNish; thence due east astronomically along the north boundary of said township six miles more or less to the northeast angle thereof; thence due 50 south astronomically along the east boundary of the Townships of McNish, James, Henry, Ratter, Dunnet, Casimir,

Haddo and Martland, a distance of forty-eight miles more or less to the north boundary of the Township of Scollard; thence due east astronomically along the north boundary of said Township of Scollard six miles more or less to the
 5 northerly bank of the French River; thence due south astronomically to the main channel of the French River or southern boundary of such Territorial District of Nipissing; thence westerly down stream along the main channel of said river and along the channel which runs north of
 10 the more northerly of the two islands on which the town plot of Coponaning has been laid out to said Georgian Bay; thence westerly crossing the most westerly mouth of said river to the north shore of said bay; thence westerly along the north shore of the said bay to the place of beginning.

15 2. The Town of Sudbury shall be the district town of the District town.
 said district.

3. Subsection 2 of section 9, subsection 1 of section 10
 and subsection 1 of section 11 of *The Unorganized Territory Act* are amended by inserting the words "and of Sud-
 20 bury" after the words "Rainy River" in each of the said subsections. Rev. Stat. c. 109 amended.

4. Sittings of the District Court and of the General Sessions of the Peace shall be held each year at Sudbury on the 1st Tuesday of the months of June and November. Sittings of Courts.

25 5. The said territory comprised within the said Territorial District of Sudbury shall from and after the date named for this Act taking effect be formed into a provisional judicial district by the name of "the Provisional Judicial District of Sudbury" as if the same had been so
 30 declared by the Lieutenant-Governor under *The Unorganized Territory Act* and the enactments contained in the said Act relating to provisional judicial districts formed by proclamation shall apply to the said district except where inconsistent with this Act. Application of Rev. Stat. c. 109.

35 6. Subsection 2 of section 9, subsection 1 of section 10 and subsection 1 of section 11 of *The Unorganized Territory Act* are amended by inserting the words "and of Sudbury" after the words "Rainy River" in each of the said subsections. Rev. Stat. c. 109 amended.

40 7. Section 22 of *The Unorganized Territory Act* is amended by inserting the word "Sudbury" after the words "Sault Ste. Marie" in the 3rd line of the said section. Rev. Stat. c. 109, s. 22, amended.

8. Subsection 1 of section 32 of *The Unorganized Territory Act* is amended by inserting the word "Sudbury" after
 45 the words "Rainy River" in the 2nd line of the said subsection. Rev. Stat. c. 109, s. 32, sub. 1, amended.

Rev. Stat.
c. 109, s. 33,
amended.

9. Section 33 of *The Unorganized Territory Act* is amended by inserting the word "Sudbury" after the words "Rainy River" in the 4th line of the said section.

Appointments,
etc., may be
made before
Act comes into
force.

10. Any appointments to be made under this Act and any security to be given or oaths taken, may be made, 5
given or taken at any time after the passing hereof.

Act to be
brought into
force by
proclamation.

11. The preceding section of this Act shall go into force on the passing hereof and the other parts of this Act shall come into force at such time as may be named by order of the Lieutenant-Governor in Council. After the day 10
named by said Order in Council and until a district judge shall be appointed for the Provisional Judicial District of Sudbury, except where it is by this Act otherwise provided, the judges of the Provisional Judicial Districts of Algoma, Manitoulin and Nipissing and all other officers shall 15
have jurisdiction and authority in respect of all matters and things in the said Provisional Judicial District of Sudbury, and also in the Provisional Judicial Districts of Algoma, Manitoulin and Nipissing as at present.

Act incorpor-
ated with Rev.
Stat. c. 109.

12. This Act shall so far as it may be necessary to give 20
effect thereto be read with and as part of *The Unorganized Territory Act*.

Courts
established.

13. There are hereby established for the said district a District Court and a Surrogate Court. The District Court is to be presided over by a judge to be appointed in accord- 25
ance with the provisions of section 6 of *The Unorganized Territory Act* and the district judge shall be the Judge of the Surrogate Court.

Sittings of
High Court.

14.—(1) Sittings of the High Court for the trial of civil and criminal cases and for other purposes shall be held 30
twice a year at the district town on such days as may be from time to time appointed therefor by the Judges of the High Court. If the Judges of the High Court ascertain on any occasion that any sitting is not required for the due administration of justice it shall not be necessary to ap- 35
point a day for the holding thereof.

(2) In case the sittings are to be held the Judges of the High Court or some of them shall issue the necessary precepts for the summoning of grand and petty jurors.

Clerk of district
court to be
local registrar.

15.—(1) The clerk of the District Court shall be *ex-* 40
officio local registrar of the High Court.

Clerk of
division court
to act until
clerk of
district court
appointed.

(2) In case after the appointment thereto is made the office of clerk of the District Court becomes vacant the clerk of the Division Court at the district town shall be *ex-* 45
officio clerk of the District Court until another appoint-

ment is made. The said Division Court clerk may be appointed clerk of the District Court either in the first instance or subsequently in case a vacancy occurs.

- (3) The said officers shall keep their offices and subject to section 85 of *The Unorganized Territory Act* the sittings of the District Court shall be held at Sudbury. Officers to keep their offices at Sudbury.

16. Sections 75 and 76 and sections 78 to 83 of *The Unorganized Territory Act* shall apply to the said District of Sudbury from and after the date to be named in the proclamation of the Lieutenant-Governor in Council in that behalf and until such date instruments affecting lands in the said portions of Algoma and Nipissing comprising the District of Sudbury shall be dealt with as if this Act had not been passed. Application of Rev. Stat. c. 109, ss. 75-76, and 78-83.

17. Upon the day named in the said proclamation or as soon thereafter as practicable the Local Masters of Titles at Sault Ste. Marie and North Bay shall deliver to the Local Master of Titles at Sudbury all books which have been kept exclusively for any territory included in the districts and shall after the passing of this Act whenever so instructed by the Master of Titles re-enter from the present registers for the said districts all subsisting entries of titles of lands and of mortgages of lands which are situated in the said districts and which are entered in books which have not been kept exclusively for lands in such districts. Local Masters of Titles at Sault Ste. Marie and North Bay to deliver all books to local master of titles at Sudbury.

18. The Local Masters of Titles at Sault St. Marie and North Bay shall also deliver as aforesaid to the Local Master of Titles at Sudbury all original instruments filed or registered with them which relate exclusively to lands included within the said District of Sudbury and certified copies of all such instruments relating to land in the said district as well as to lands in the Districts of Algoma or Nipissing as the Master of Titles shall direct. Local Masters of Titles to deliver instruments to local master of titles at Sudbury.

19. The Local Master of Titles at Sudbury may enter in the registers all instruments so delivered to him which have not been entered in the registers and may complete the entries which have not been completed in respect of any such instrument and may date all such entries as they would have been dated if the entries had been made and completed by the Local Masters of Titles at Sault Ste. Marie and North Bay and may continue and complete all applications, proceedings and matters pending before the Local Masters of Titles at Sault Ste. Marie or North Bay respecting land in the said District of Sudbury. Duty of local master of titles at Sudbury.

- 20.—(1) The Local Masters of Titles at Sault Ste. Marie and North Bay shall also deliver as aforesaid to the said Local Master at Sudbury certified copies of all writs of execution in force in their hands. Writs of execution to be delivered to local master of titles at Sudbury.

(2) Every such copy shall have written thereon a memorandum of the time of the receipt thereof by the Local Master of Titles at Sault Ste. Marie or North Bay as the case may be.

(3) Such copies shall have the same effect and shall be 5 dealt with in the same manner as if they had been furnished by the Sheriff to the Local Master of Titles at Sudbury and shall at the time of their delivery as aforesaid have the same priority as at the time of their delivery as aforesaid they respectively held in the office at Sault Ste. 10 Marie or North Bay, as the case may be.

Variance of writ to be certified to Local Master of Titles.

21. Where the effect of a copy of a writ has been varied by a subsequent certificate of the Sheriff or by an order of court the Local Master of Titles at Sault Ste. Marie or North Bay shall also deliver as aforesaid a certified copy 15 of such certificate or order to the Local Master of Titles at Sudbury.

Correction of errors in registers.

22.—(1) In case either the Local Master of Titles at either Sault Ste. Marie or North Bay shall at any time ascertain that through oversight or otherwise any parcel of 20 land within the District of Sudbury had been erroneously omitted from the register or registers prepared under sections — — — he shall prepare a true copy of the subsisting register of any such parcel and shall append thereto a certificate stating that such copy is a true copy of the 25 register of the land therein described and such Master shall also state in such certificate whether or not there is in such office a copy of any execution which affects such land, and if there is any such execution shall give the particulars thereof and shall deliver the copies so prepared to the Lo- 30 cal Master at Sudbury.

(2) Where through oversight the title to any land is registered in the wrong district, the Local Master of Titles for the district in which such land is registered shall prepare a true copy of the subsisting register of such land 35 and shall append thereto a certificate as in this section mentioned, and shall deliver the same to the Local Master of Titles of the district in which such land is situate.

Varying certificates when lands in another district.

23. Where a Local Master of a district delivers a certified copy of the register of any parcel of land he shall when 40 the parcel in his register includes land in one of the other districts vary his certificate by stating that the said copy of the register so far as the same relates to land in the other district, naming it, and shall vary the copy accordingly.

24. The Local Master of Titles shall thereupon note in the register of the parcel that the land affected by his certificate has been transferred to the other district and after such entry instruments subsequently lodged with such Local Master of Titles shall not affect the said land.

Entry of
transfer of
lands to
another
district.

25. The Local Master of Titles receiving a copy certified under section — shall thereupon register as owner of such parcel of land, the person who by such copy appears to be the owner thereof subject to the various charges, cautions, 10 inhibitions, qualifications and other incumbrances affecting the same appearing in the said copy and shall also enter as an incumbrance in the register of the parcel any execution affecting such land mentioned in the said certificate.

Registering
owner of land
subject to
charges.

3rd Session, 11th Legislature,
7 Edward VII., 1907.

BILL.

An Act to create the Provisional Judicial
District of Sudbury.

First Reading, 21st February, 1907.

Mr. FOY.

TORONTO:

PRINTED BY L. K. CAMERON,

Printer to the King's Most Excellent Majesty.

An Act to prevent the Spread of Tuberculosis.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The council of every municipality in which the Medical Health Officer is paid a salary of less than \$1,500 a year shall at its first meeting in January in each year appoint two persons who with the Medical Health Officer of the municipality shall constitute a Local Association for the Prevention of Tuberculosis. One of the members appointed by the council shall serve for two years and the other for one year. Each member so appointed on the expiry of his term of office is to be replaced by one appointed to hold office for two years from the date of his appointment, and each retiring member is to be eligible for re-appointment.
Local Association formed.
2. Each Local Association shall hold its first meeting within ten days of its appointment and shall thereat elect one of its number to be a member of the County Association for the Prevention of Tuberculosis for two years.
Members to be elected to County Association.
3. There shall be formed in each county a County Association for the Prevention of Tuberculosis which shall be composed of one member of each Local Association, the warden of the county, and the county clerk, who shall be secretary of the County Association. They shall meet annually on the third Tuesday in February in the county town or at such other place as may be decided upon at the previous annual meeting and shall elect a chairman who shall hold office for one year or until his successor is appointed. The secretary shall present to the meeting a full report of the work of the past year, but in no such report shall the names or identity of any person said to be suffering from tuberculosis be indicated.
County Association to be formed.

Any other business may be transacted at this meeting.

They shall at this meeting appoint an executive and such other committees as they may deem proper to which they may delegate such of their powers as they deem necessary.

Seven members of the County Association shall form a quorum. 5

Remuneration
of members of
County
Association.

4.—(1) The remuneration of members of the County Association while attending any annual meeting or the meeting of any committee of the County Association or while acting in any capacity as a member of the County Association shall be the same as that paid county councillors in that county and shall be paid by the county treasurers on an order signed by the secretary of the Association. 10

(2) All proper expenses incurred by the Association shall be paid by the county in the first instance, but every city and town separated from the county for municipal purposes shall in each year contribute to the expenses of the Association such amounts respectively as may be agreed upon between the corporation of the county and the corporation of the city or town, or, in default of such agreement, as may be determined by the county judge upon the application of the county or of the city or town and after notice to the city or town or county as the case may be. 20

(3) The remuneration of any member of the County Association appointed by the Local Health Board of any city or incorporated town separated from the county shall be paid by that city or town. 25

Remuneration
of members
of Local
Association.

5. The remuneration of members of the Local Association shall be the same as that of members of the Local Board of Health and shall be paid by the municipality which appointed them. 30

In no case shall any member be entitled to remuneration from both associations for the same services.

Physicians to
report to
County
Association.

6. It shall be the duty of every physician practising in the county to notify the secretary of the County Association on blank forms supplied to him of every person suffering or suspected of suffering from tuberculosis examined by him, within one week of examining such person. He shall also furnish the secretary with any other information regarding such person which the regulations of the Provincial Board of Health require. Immediately on receipt of such notification the secretary shall cause to be forwarded to the physician, sterilized bottles for the purpose of obtaining specimens of *sputa*. As soon as possible the attending physician shall forward to the Bacteriologist of the Provincial Board of Health or to any other laboratory approved by the Provincial Board such specimens of the 35 40 45

sputa and shall continue to do so from time to time until positive results have been obtained. The report of the Bacteriologist shall be sent to the secretary who shall enter in a suitable book the result of all such examinations as well as any other information regarding the case which the regulations of the Provincial Board of Health require. It shall also be the duty of the secretary to keep and mark on an atlas of the municipality the farm lot, street, or other address, where such case of tuberculosis occurs and also by a further distinguishing mark on such atlas the place where a death from tuberculosis is reported to him to have occurred.

7. Immediately on receipt of a report of the Bacteriologist of the Provincial Board of Health confirming the diagnosis of tuberculosis, it shall be the duty of the secretary of the County Association to forward by registered mail to the address of the patient all such literature regarding tuberculosis as may be ordered by regulations of the Provincial Board of Health and he shall also notify the attending physician and the chairman of the Local Association of the result of the bacteriological report.

Certain literature to be sent to patients and notices to physician and Local Association.

8. The Local Association shall maintain whatever supervision they may deem necessary over the case. They shall have full power to isolate the patient, to regulate his occupation, to disinfect as often as necessary, and if in their opinion owing to any unsanitary condition, overcrowding, lack of proper nourishment or any state or condition of affairs the health of others dwelling in the same house is threatened, they shall report to the county secretary who shall lay such report before the executive committee of the County Association. The executive committee shall have full power to cause the removal of the patient to a sanatorium. In the case of an indigent patient the expenses of removal shall be paid by the county and the cost of maintenance shall be paid in full by the county, but at the end of each year they shall be entitled to recover one-half of the cost of such maintenance from the municipality wherein the patient resided. If the patient has no residence in the county the whole cost shall be paid by the county. If the patient is able to pay, the county shall be entitled to recover all costs by ordinary process of law.

Supervision by Local Association.

Removal of patient to Sanatorium.

9. If in the opinion of the County Association a sanatorium is required for the care and maintenance of the cases of tuberculosis arising therein, it shall be the duty of the county council to provide the necessary funds to build and equip such a sanatorium and they shall be empowered to issue debentures for this purpose for a period not exceeding ten years. In case of any dispute or difference of opinion arising between the County Association

Erection of County Sanatorium.

and the county council as to the necessity of such a sanatorium either may appeal to the Lieutenant-Governor in Council, whose decision shall be final.

Before any sanatorium is built or any site selected for such sanatorium an estimate of cost and all plans and 5 specifications and a description and a statement of the estimated cost of the various eligible sites shall be submitted to and approved of by the Provincial Board of Health.

If any such sanatorium is built without the sanction of 10 the Provincial Board it shall not participate in any Government grant towards the building of such institution.

A two-thirds vote of the County Association shall be required to compel the county to build a sanatorium.

Notice of a motion requiring a county council to build 15 a sanatorium must be published in a newspaper of the county town for at least four weekly insertions before the application is made to the county council.

Management
of County
Sanatorium.

10. All such sanatoria shall be under the control of the County Association, and the warden of the county shall 20 be an *ex-officio* member of the committee having charge of the same.

Two or more County Associations may unite in building such a sanatorium.

The County Association with such other persons as they 25 may at their annual meeting elect shall act as a Board of Governors of such sanatorium and the Board may appoint committees of their numbers for the purpose of managing the same.

The cost of maintaining indigent patients shall be as 30 before provided. All other patients shall defray their own expenses.

Veterinary
Surgeons
to report.

11. It shall be the duty of all veterinary surgeons practising in the county to report to the county secretary all cases of tuberculosis in the lower animals which come under 35 their notice. The secretary shall keep an accurate record of all such cases as may be directed by the Provincial Board of Health and shall carry out all the regulations of the said Board regarding the same.

History of cases
to be kept.

12. The secretary of the County Association shall as far 40 as possible keep an accurate history of each case of tuberculosis reported to him. The data of this history must be furnished by the attending physician.

Patient leaving
county.

No tuberculosis patient shall be permitted to leave one county and take up his residence in another without first 45 notifying the secretary of the County Association of the county in which he resided, who shall then notify the secretary of the County Association to which the patient was removed.

The secretary of each County Association shall make an annual return to the secretary of the Provincial Board of Health of all cases of tuberculosis which have been reported to him.

- 5 13. The remuneration of the secretary of the County Association shall be _____ per year and shall be paid by the county.

- 10 14. In every municipality paying the Medical Health Officer a yearly salary of \$1,500 or over, the Local Board of Health shall have all the powers of the County Association and the Medical Health Officer shall have all the powers and duties of the secretary of the County Associations.

No. 126.

3rd Session, 11th Legislature,
7 Edward VII., 1907.

BILL.

An Act to prevent the Spread of
Tuberculosis.

First Reading, 22nd February, 1907.

MR. DOWNEY

TORONTO:

PRINTED BY L. K. CAMERON,

Printer to the King's Most Excellent Majesty.

An Act to prevent the Spread of Tuberculosis.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. There shall be a county board of health in every County boards of health.
5 county in the Province, to be composed of the county clerk, who shall be secretary of the board, the warden of the county, and one member to be elected by each local board of health in the county a their first meeting to be held within ten days of the appointment of such local board.
- 10 2. The county board of health shall exercise a general Powers of county board of health. supervision over all sanitary matters of the county. They shall pay especial attention to the sanitation of all schools and other public institutions. They shall be empowered to deal especially with all questions relating to tuberculosis
15 arising in the county.
- 3.—(1) The county board of health shall meet annually Meetings of board. on the third Tuesday in February in the county town or at such other place as may be decided upon at the annual meeting.
- 20 (2) Seven members of the county board of health shall form a quorum.
- 4.—(1) It shall be the duty of every physician practising Notice of cases of suspected tuberculosis. in the county to notify the secretary of the county board of every case of tuberculosis or suspected tuberculosis seen
25 by him within one week of seeing the patient.
- (2) Immediately on receipt of such notification the secretary shall cause to be forwarded to the physician sterilized bottles for the purpose of obtaining specimens of the sputa. As soon as possible the attending physician shall
30 forward such specimens to the Bacteriologist of the Provincial Board of Health and shall continue to do so from time to time until positive results are obtained.

Duty of
secretary on
receipt of
report.

(3) The report of the Bacteriologist shall be sent to the secretary of the county board who shall enter in a suitable book the result of all such examinations as well as any other information which the regulations of the Provincial Board requires. The secretary shall also mark on an atlas 5 of the municipality the farm, lot, street, etc., where every case of tuberculosis occurs and also make a further distinguishing mark on such farm, lot, street, etc., where a death from tuberculosis is reported to him.

Literature to
be sent to
patient.

(4) Immediately on receipt of a bacteriological report 10 confirming diagnosis of tuberculosis the secretary of the county board shall forward by registered mail to the address of the patient all such literature regarding tuberculosis as may be ordered by the Provincial Board of Health and he shall also notify the attending physician and local medical 15 health officer of the result of the report.

Duties and
powers of
local board.

5. The local board of health shall maintain whatever supervision they may deem necessary over the case. They shall have full power to isolate, to regulate the occupation, and if in their opinion owing to any unsanitary surround- 20 ings, overcrowding, lack of proper nourishment or any state or condition of affairs by which the health of others dwelling in the same house or in personal contact with the patient is threatened they shall report to the county secretary, who shall bring such report before the executive com- 25 mittee of the county board. This committee shall have full power to cause such patient to be removed to a sanatorium. In the case of an indigent patient the expenses of such removal shall be paid by the county and the cost of maintenance shall be paid as follows: one half by the county and 30 one half by the municipality wherein the patient resided. If the patient has no place of residence then the total cost shall be paid by the county. If the patient is able to pay, the county shall be entitled to recover all costs by ordinary process of law. 35

County council
to establish
sanatorium if
required by
county board.

6.—(1) If in the opinion of the county board a sanatorium is required for the care and maintenance of the cases of tuberculosis arising therein it shall be the duty of the county council to provide the necessary funds to build and equip such a sanatorium and they shall be em- 40 powered to issue debentures for this purpose for a period not exceeding ten years. In case of any dispute or difference of opinion arising between the county board and the county council as to the necessity of such a sanatorium either one or the other may appeal to the Lieutenant-Gov- 45 ernor in Council, whose decision shall be final.

Approval of
plans, etc., by
Provincial
Board.

(2) Before any sanatorium is built or any site selected for such sanatorium all plans, etc., and a description of the

various eligible sites shall be laid before the Provincial Board of Health who shall have full power to change any such places or sites.

(3) If any such sanatorium is built without the sanction of the Provincial Board it shall not participate in any Government grant towards the building of such institution. It shall require a two-thirds vote of the county board to compel the county to build a sanatorium. Government grant to be forfeited if plans not approved.

(4) Notice of a motion asking the county to build a sanatorium shall be published in a newspaper published in the county town for at least four weekly insertions. Notice of requisition to county council.

7.—(1) All such sanatoria shall be under the control of the county board, but the warden of the county shall be an *ex-officio* member of the committee having these matters in charge. Control of sanatoria.

(2) Two or more county boards may unite in building such a sanatorium.

(3) The county board at its annual meeting may elect others than members to act on the board of governors or on any committee connected with such sanatorium. The cost of maintaining indigent patients shall be as before provided. All other patients shall defray their own expenses.

8. No tuberculosis patient shall be permitted to leave one county and take up his residence in another without first notifying the secretary of the county in which he resided, who shall then notify the secretary of the county to which the patient has removed. The county secretary shall make monthly returns to the Secretary of the Provincial Board of Health of all cases of tuberculosis which have been reported to him. Notice of removal of patient to another county.

9.—(1) The remuneration of the secretary of the county board shall be not less than \$1,500 per year and shall be paid by the county.

(2) The remuneration of members of the county board while attending any annual meeting or attending the meeting of any committee of the county board or while acting in any capacity as a member of the county board shall be the same as that paid county councillors in that county and shall be paid by the county treasurer on an order signed by the secretary of the board. Remuneration.

(3) All expenses incurred by this board shall be paid by the county. Payment of expenses.

10. In every city having a population of 20,000 the local board of health shall have all the powers of the county board.

11. Any municipality separated from the county for municipal purposes shall pay the full cost of any expenses incurred on behalf of residents of such municipality.

They shall also pay a proportion of all expenses of the county board according to population.

3rd Session, 11th Legislature,
7 Edward VII., 1907.

BILL.

An Act to prevent the Spread of
Tuberculosis.

First Reading, 22nd February, 1907.

(Corrected Copy of Bill.)

MR. DOWNEY

TORONTO:

PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

No. 127.

BILL.

1907.

An Act to amend The Municipal Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 583 of *The Consolidated Municipal Act, 1903*, 3 Edw. VII. c. 19, s. 583
5 is amended by adding after the word "towns" in the third line preceding the paragraph numbered 28 the word "townships." subs. 28 amended.

2. Section 583 of *The Consolidated Municipal Act, 1903*, 3 Edw. VII. c. 19, s. 583
is amended by adding after the word "towns" in the line amended.
10 next preceding the paragraph numbered 29 thereof the word "townships."

No. 127.

3rd Session, 11th Legislature,
7 Edward VII., 1907.

BILL.

An Act to amend The Municipal Act.

First Reading, 22nd February, 1907.

Mr. DEVITT.

TORONTO:

PRINTED BY L. K. CAMERON,

Printer to the King's Most Excellent Majesty.

No. 128.

BILL.

1907.

An Act to amend The Ontario Architects' Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 5 of *The Ontario Architects' Act* is amended
5 by adding the following section thereto:— Rev. Stat. c. 182, sec. 5, amended.

“(3) Three of the members of the council shall be the president, vice-president and the treasurer of the Association.”

2. Section 6 of *The Ontario Architects' Act* is amended
10 by striking out the words “the members of the council” in the first line thereof, and substituting the words “the president, vice-president, treasurer and the other members of the council” and by inserting after the word “votes” in the 5th line thereof the words “for the respective
15 offices.” Rev. Stat. c. 182, s. 6, amended.

3. Section 11 of *The Ontario Architects' Act* is repealed
and the following substituted therefor:— Rev. Stat. c. 182, s. 11, amended.

“The council shall appoint a registrar and a solicitor, and such other officers as may be necessary for the working of this Act, who shall hold office during the pleasure
20 of the council.”

4. Section 22 of *The Ontario Architects' Act* is amended
by striking out the words “as shall be necessary in that behalf” in the fifth line thereof and substituting there-
25 for the words “as the council may prescribe,” and by adding thereto the following sub-section:— Rev. Stat. c. 182, s. 22, amended.

“(4) The council may enter into agreements with the Senate of the University of Toronto and the Faculty of Applied Science, for the conducting of such examinations
30 as may be required under this Act by examiners appointed

by the said Senate and Faculty, or may make such other arrangements therefor as they may deem expedient."

Rev. Stat.
c. 182, s. 24,
amended.

5. Section 24 of *The Ontario Architects' Act* is amended by striking out the word "registered" in the second line thereof and by striking out the words "registered under 5 this Act, unless he is so registered" in the fourth and fifth lines of the said section and substituting the words "a qualified architect unless he is registered under this Act."

Rev. Stat.
c. 182,
amended.

6. *The Ontario Architects' Act* is amended by adding 10 the following section thereto:—

Fees.

34. The fees which the council shall be empowered by this Act to impose shall be fixed by the council of the Association subject to the approval of the Lieutenant-Governor in Council, but shall be for the following purposes only:—

- (a) For registration as a student.
- (b) For each assignment of articles.
- (c) For each examination.
- (d) For registration as an architect.
- (e) For the annual fee of members.

3rd Session, 11th Legislature,
7 Edward VII., 1907.

BILL.

An Act to amend The Ontario Architects'
Act

First Reading, 25th February, 1907.

Mr. McCOWAN.

TORONTO:

PRINTED BY L. K. CAMERON,

Printer to the King's Most Excellent Majesty.

A Act to amend The Municipal Waterworks Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

- 1.—(1) Clause (b) of subsection 1 of section 40 of *The* Rev. Stat. c. 235, s. 41, subs. 1, cl. (b), amended.
5 *Municipal Waterworks Act* as enacted by section 2 of the Act passed in the sixth year of His Majesty's reign, chaptered 40, is amended by inserting after the word "election" in the first line of the said clause the words "held under this section";
- 10** (2) Clause (c) of the said subsection is amended by adding after the word "election" in the first line the words "held under this section"; Rev. Stat. c. 235, s. 41, subs. 1, cl. (c), amended.
- (3) Clause (d) of the said subsection is amended by inserting after the word "election" in the second and seventh Rev. Stat. c. 235, s. 41, subs. 1, cl. (d), amended.
15 lines the words "held under this section"; and by adding after the word "equal" in the third line of the said clause the words "or in case both members are elected by acclamation"; and by adding after the word "votes" in the eighth line the words "or in case such four members are
20 elected by acclamation."

2. The said subsection 1 of section 41 of *The Municipal* Act to be retroactive.
Waterworks Act shall be read and construed as if it had been originally enacted as amended by section 1 of this Act.

No. 129.

3rd Session, 11th Legislature,
7 Edward VII., 1907.

BILL.

An Act to amend The Municipal Water-
works Act.

First Reading, 26th February, 1897.

Mr. TORRANCE.

TORONTO:

PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

No. 130.

BILL.

1907.

An Act to amend The Assessment Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Subsection 2 of section 36 of *The Assessment Act* is ^{4 Edw. VII.}
^{c. 23, s. 36,}
5 repealed. ^{sub. 2 repealed.}

No. 130.

3rd Session, 11th Legislature,
7 Edward VII., 1907.

BILL.

An Act to amend The Assessment Act.

First Reading, 26th February, 1907.

MR. CARNEGIE

TORONTO:

PRINTED BY L. K. CAMERON,

Printer to the King's Most Excellent Majesty.

An Act to amend The Ontario Insurance Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. *The Ontario Insurance Act* is amended by inserting
5 the following section as section 148a: Rev. Stat.
c. 203, amend-
ed.

148a. Notwithstanding anything contained in any contract of insurance of the person or in this Act where the loan value of a policy, at the date of the expiry of the period of thirty days, mentioned in the preceding section,
10 exceeds the amount of the premium, and such premium is not paid before the expiry of the said period of thirty days, the insurer shall apply the loan value or such part thereof as may be necessary in payment of the premium, and shall charge the premium so paid against the insured in the
15 same manner and at the same rate of interest as in case of a loan upon the policy, and the contract of the insurance shall remain in force notwithstanding the non-payment of the premium so long as the amount of the loan value or remainder of the loan value of the policy is sufficient to pay the annual premium thereon together with
20 interest as aforesaid. Loan value of
life policy, to be
applied in pay-
ment of pre-
mium.

3rd Session, 11th Legislature,
7 Edward VII., 1907.

BILL.

An Act to amend The Ontario Insurance
Act.

First Reading,	1907.
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Mr. DUNLOP.

TORONTO:

PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

An Act to amend The Assessment Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. *The Assessment Act* is amended by adding thereto the following section: 4 Edw. VII.
c. 23, amended.

10a. Whenever any pipes, mains, wires or other appliances for the transmission of light, heat, water, gas, electric, or other fluid or substance or any other structures or fixtures which are otherwise assessable under this Act and the poles or wires of telegraph or telephone companies are erected or placed upon, on, over, under or affixed to the boundary line between two townships or other local municipalities or so that such pipes, mains, wires or other appliances or such structures, fixtures, poles or wires, are in some places on one side of such boundary line and in some places on the other or are erected or placed upon, on, over, under or affixed to a road which lies between two townships or other local municipalities, although such road may deviate so as in some places to be wholly or partly in either of them, the person, corporation or company liable to assessment therefor shall be assessed in each township or local municipality for one-half the amount assessable against such person, corporation or company in both the townships or other local municipalities taken together, and in the case of a telephone or telegraph company under subsection 2 or subsection 5 of section 14 of this Act as the case may be. Assessment of
pipes, lines, etc.
on boundary
lines.

2. Subsection 9 of section 14 of *The Assessment Act* is repealed. 4 Edw. VII.
c. 23, s. 14,
subs. 9, repealed.

No. 132.

3rd Session, 11th Legislature,
7 Edward VII., 1907.

BILL.

An Act to amend The Assessment Act.

First Reading, 26th February, 1907.

MR. MACDIARMID.

TORONTO:

PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

An Act to amend The Toll Roads Expropriation Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 5a of *The Toll Roads Expropriation Act*, 4 Edw. VII.
 5 1901, as enacted by section 68 of *The Statute Law Amendment Act, 1904*, is amended by adding at the end thereof, c. 10, s. 68 amended.
 the following words: "but in case the portion of such road
 "or roads lying in such adjoining county is wholly con- Toll Road ex-
 "tained within the limits of a single township or partly propriated in
 10 "within such township and partly within one or more local adjoining
 "municipalities in such township, the part of such road county when
 "or roads lying in such township, or local municipalities, to be main-
 "shall become the property of and shall be maintained tained by local
 "and kept in repair by the corporation of such township or municipality.
 15 "local municipality."

No. 133.

3rd Session, 11th Legislature,
7 Edward VII., 1907.

BILL.

An Act to amend The Toll Roads Expro-
priation Act.

First Reading, 26th February, 1907.

Mr. PRATT.

TORONTO:

PRINTED BY L. K. CAMERON,

Printer to the King's Most Excellent Majesty.

No. 134.

BILL.

1907.

An Act to amend The Municipal Drainage Act.

HIS MAJESTY, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Subsection 1 of section 21 of *The Municipal Drainage*
5 *Act* is amended by striking out the words "High Court of Justice" in the twelfth line thereof and substituting there-
for the words "Drainage Referee."

Rev. Stat. c.
226, s. 21, subs.
1, amended.

No. 134

3rd Session, 11th Legislature,
7 Edward VII., 1907.

BILL.

An Act to amend The Municipal Drainage
Act.

First Reading, 26th February, 1906.

Mr. McColl.

TORONTO:

PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

No. 135.

BILL.

1907.

An Act to amend The Ontario Game Protection Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Subsection 6 of section 8 of *The Ontario Game Protection Act* is amended by striking out the words “during the close season for deer” in the fourth line, and by striking out the words “during close season” in the seventh line, and substituting in lieu thereof the words “at any time.”
- 63 V., c. 49, s. 8.
subs. 6.
amended.

3rd Session, 11th Legislature,
7 Edward VII., 1907.

BILL.

An Act to amend The Ontario Game
Protection Act.

First Reading, 26th February, 1907.

MR. PRATT.

TORONTO:

PRINTED BY L. K. CAMERON,

Printer to the King's Most Excellent Majesty.

No. 136.

BILL.

1907.

An Act to amend The Assessment Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Subsection 1 of section 40 of *The Assessment Act* is ^{4 Edw. VII. c. 23, s. 40, subs. 1} amended by adding at the end thereof the following words ^{amended.}
5 —“unless by by-law the council of the municipality requires that such vacant or other ground should be assessed like other lands in the municipality.”

3rd Session, 11th Legislature,
7 Edward VII., 1907.

BILL.

An Act to amend The Assessment Act.

First Reading, February 27th, 1907.

MR. SMELLIE.

TORONTO:

PRINTED BY L. K. CAMERON,

Printer to the King's Most Excellent Majesty.

An Act respecting the Game, Fur-bearing Animals
and Fisheries of Ontario.

PART I.	Interpretation and General Provisions
PART II.	Game
PART III.	Fish
PART IV.	Possession—Sale—Transportation
5 PART V.	Licenses
PART VI.	Administration
PART VII.	Procedure—Evidence—Penalties

NOTE.—This draft includes amendments to the Game Act as recommended by the Reports of the Game Commission for this year and last year.

No substantial change is made in the Fisheries Act, although the language is in many cases altered as has been found necessary for purposes of consolidation.

All substantial alterations in existing legislation are indicated by pointers.

BILL.

An Act respecting the Game, Fur-bearing Animals
and Fisheries of Ontario.

HIS MAJESTY, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario,
20 enacts as follows:—

PART I.

INTERPRETATION AND GENERAL PROVISIONS.

Short title.

1. This Act may be cited as *The Ontario Game and Fisheries Act*. 63 V. c. 49, s. 1; 63 V. c. 50, s. 1.

Application of Act.

2. This Act and all regulations made thereunder shall 5
apply to all game, hunting, shooting, fish, fisheries, fishing, and all rights and matters relating thereto, in respect of which the Legislature of Ontario has authority to legislate, but shall not authorize or be deemed to authorize any interference with the navigation of any navigable waters. 10
63 V. c. 50, s. 2. (*Amended*.)

Interpretation.

3. When the following expressions occur in this Act, and in any regulations made thereunder, they shall be construed in the manner hereinafter mentioned unless a contrary intention appears:— 15

Angling.

(1) Angling shall mean the taking of fish with hook and line held in the hand, or with hook and line and rod, the latter held in the hand, and shall not include set lines.

"Bass."

(2) "Bass" shall mean and include the species ordinarily known and described as "large-mouthed bass" and "small-mouthed bass." 20

"Close Season."

"Open Season."

(3) "Close season" shall mean the period in which any species of game or fish is protected, and "open season" shall mean the period in which any species of game or fish is permitted to be hunted, taken, killed, sold or possessed, 25
by this Act or any regulation made thereunder, or by the laws and regulations of the Dominion of Canada.

"Fishery."

(4) "Fishery" shall mean and include the stretch of water, locality, premises, place or station described in any regulation, lease or license and in or from which fish are to 30
be taken, and also all nets, plant and appliances used in connection therewith.

"Game."

(5) "Game" shall mean and include all or any animals and birds protected by this Act or by any regulation made thereunder, and the head, skin, or any part of such animals and birds. 35

"Lease."

(6) "Lease" shall mean an instrument issued under the authority of this Act and of regulations made thereunder, conferring upon the lessee therein named, for purposes of fishing, the rights therein mentioned, subject to the conditions, restrictions and limitations therein and in the said 40
Act and regulations contained.

(7) "License" shall mean an instrument issued under the authority of this Act and of regulations made thereunder, conferring upon the licensee therein named the right, permission, and license to do such things, subject to such conditions, restrictions and limitations as are therein and in this Act and any regulations contained, provided that no license shall be deemed to be or to operate as a demise or lease.

(8) "Minister" shall mean the member of the Executive Council for the time being charged with the administration of this Act.

(9) "Overseer" shall mean and include a game and fishery overseer and any officer or person authorized to assist in the enforcement of this Act and of regulations made thereunder.

(10) "Regulation" shall mean a regulation made by the Lieutenant-Governor in Council under the authority of this Act.

(11) "Superintendent" shall mean the chief officer in charge of the Game and Fisheries Branch of the Department of the public service.

(12) "Tourist" shall mean and include any person whether resident or non-resident in Ontario, who may, during the spring, summer or autumn months, be temporarily visiting, boarding, lodging, keeping house or camping in any locality at a distance of over twelve miles from his usual place of residence. 63 V. c. 49, s. 2; 63 V. c. 50, s. 3. (*Amended.*)

4.—(1) The Lieutenant-Governor in Council may make regulations:

(a) For making, keeping, searching for, obtaining and taking over all archives, records, books, regulations, orders in council, documents and accounts heretofore in the custody of the Government of the Dominion of Canada or of the Government of this Province or otherwise existing, or which may hereafter be recorded or accumulate, in any way relating to the game or fisheries of the Province. 63 V. c. 50, s. 29.

(b) Providing that all or any persons holding any lease or license issued under this Act, and all fish companies and fish dealers, shall keep such records and make such reports and returns as may be deemed necessary or expedient. 63 V. c. 50, ss. 9, 33; 1 Ed. VII., c. 37, s. 37, ss. 2.

Other provisions.

(c) Containing such further and other provisions as may be necessary or desirable for the administration and enforcement of this Act and of any regulation made thereunder as hereinafter more particularly authorized. 5

Amendment and repeal.

(2) All regulations may be from time to time amended and repealed by the Lieutenant-Governor in Council and shall be read herewith and shall for all purposes be deemed to be a part hereof and to have the same force and effect as if herein contained. 1 Ed. VII., c. 37, s. 3. 10

Promulgation.

(3) All regulations shall come into force upon publication thereof in the *Ontario Gazette*, or upon such later date as may be therein stated, and a copy of the *Ontario Gazette* containing any regulations shall be admitted in all courts as sufficient evidence thereof. 63 V. c. 49, s. 33; 15 63 V. c. 50, s. 11; 1 Ed. VII., c. 37, s. 3.

Administration.

5.—(1) The administration of this Act and of all matters relating to fish and game in the Province, shall be under the control and direction of the Minister and shall constitute a branch of the public service to be known as 20 the Game and Fisheries Branch. 63 V. c. 50, s. 4. (*Amended.*)

Remuneration of officers, etc.

(2) The remuneration of all officers of the Game and Fisheries Branch and of all other persons employed to perform any duty in connection therewith, or to assist in the 25 enforcement of this Act and of all regulations, and all expenses incident to the due enforcement thereof, shall be paid out of such moneys as may be appropriated for that purpose by the Legislature. 63 V. c. 49, ss. 22, 23; 63 V. c. 50, ss. 4, 8. 30

Board of Game Commissioners abolished.

(3) The Board of Game Commissioners of the Province of Ontario is hereby abolished.

Exclusive right to fish in navigable waters only by express grant thereof.

6. The grant by patent, legal construction or implication of the bed of any navigable water, or of any lake or river in Ontario, whether such patent has been issued be- 35 fore or after the passing of this Act, shall not, unless such exclusive right of fishing is expressly granted by such patent, be deemed to carry or include the exclusive right of fishing in the navigable waters which cover or flow over the land so granted, any statute, law, usage or custom to 40 the contrary notwithstanding. R.S.O. 1897, c. 288, s. 9.

7. Save as otherwise provided by this Act, all rentals, license fees, fines, penalties, proceeds of sales of articles confiscated, and other receipts, fees, revenue and payments payable under the provisions of this Act or of any regula- 45 tion, or under the terms of any lease, license or other in-

strument therein authorized, shall be payable to the Treasurer of the Province: 63 V. c. 49, s. 29, ss. 6.

INDIANS AND SETTLERS.

8. Nothing herein contained shall be construed to affect Indian Treaty rights.
 5 any right specially reserved to or conferred upon Indians by any treaty or regulations in that behalf made by the Government of the Dominion of Canada with reference to hunting on their reserves or hunting grounds, or in any territory especially set apart for the purpose; nor shall
 10 anything in this Act contained apply to Indians hunting in any portion of the provincial territory as to which their claims have not been surrendered or extinguished. 63 V. c. 49, s. 32, ss. 1.

PART II.

15

GAME.

9. The Lieutenant-Governor in Council may make regu- Regulations.
 lations:
- (a) Forbidding for a period of not more than three Protection of non-migratory birds in danger of extinction.
 20 years at a time the hunting, shooting and sale of any non-migratory game which may appear or require further protection than is afforded by this Act. 63 V. c. 49, s. 7, ss. 3; 5 Edw. VII., c. 33, ss. 1-2.
- (b) Forbidding the hunting, shooting or sale of any Protection of migratory birds in certain cases.
 25 migratory game which may at any time be in danger of extinction, for the same period and in the same manner as the same is at any time forbidden in any two or more of the United States of America, one of such states being
 30 New York, Pennsylvania, or Michigan. 63 V. c. 49, s. 7, ss. 2.
- (c) Varying the close seasons for that portion of the Varying close seasons in certain outlying districts.
 35 territory of the Province lying north and west of French River, Lake Nipissing and Mattawa River, or any part of the said territory. 63 V. c. 49, s. 7, ss. 1.
- (d) Forbidding or regulating the possession of guns, Forbidding the possession of guns.
 40 rifles or other firearms in any part of the Province in which it may appear that it is desirable to take special means to prevent violations of this Act.
- (e) Requiring resident or non-resident holders of hunt- Employment of licensed guides.
 ing licenses to employ licensed guides while hunting deer, moose or caribou.

Crown game
preserves.

- (f) Designating certain counties or portions of counties in the Province in which it shall be unlawful to hunt, take, pursue, kill, wound or destroy any deer at any time of the year, subject to such reservation in favour of the residents or settlers in such counties as may be deemed reasonable. 63 V. c. 49, s. 18. 5

Temagami
Forest Reserve.

- (g) Forbidding any person to take into or have in his possession, in the Temagami Forest Reserve during the close season for moose, reindeer or caribou any gun or rifle, any mauser or other automatic pistol, or any revolver or other firearm having a barrel of a greater length than four inches. 4 Edw. VII., c. 28, s. 3. 10

Sale for
breeding
purposes.

- (h) Encouraging the propagation of game by authorizing any person owning game and having the same on his property to sell or dispose of such game at any time for propagation or stocking purposes. 63 V. c. 49, s. 19, (2). 15

- (i) Regulating the shooting, hunting, taking or killing of any game protected by the provisions of this Act, within two miles of Rondeau Park or within Rondeau harbour. 63 V. c. 49, s. 17, ss. 3. 20

- (j) Exempting Indians or actual *bona fide* farmers in the northern and northwesterly or other sparsely settled portions of the Province, whether the same be organized or unorganized, from any of the provisions of this Act, which may be specified in such Order in Council; provided that no farmer shall hunt, take, kill or have in his possession any moose, reindeer or caribou except in any year when the same may be lawfully killed according to the provisions of this Act. 63 V. c. 49, s. 32, ss. 2. 35

Non-residents

10. No person not residing and domiciled in the Province of Ontario shall hunt, take, kill, wound or destroy any game, or carry or use any gun or rifle in the Province except under the authority of a license. 63 V. c. 49, s. 3, subsec. 1. (*Amended.*) 40

Gun license.

11. No person residing and domiciled in the Province of Ontario shall carry or use any gun or rifle in any year except under the authority of a license, provided always that this shall not apply to farmers and farmers' sons (actually residing upon their parents' farms) for use upon or in the neighbourhood of such farms, and except also per- 45

sons carrying rifles for military purposes or for use on rifle ranges.

CLOSE SEASONS.

12.—(1) No person shall hunt, take, kill or destroy, or Game birds, etc.
5 pursue with such intent:

- (a) Any deer, moose, reindeer or caribou, between Close season for deer, moose, etc.
the 21st days of November and the 19th
day of October in the following year, both days
inclusive.
- 10 (b) Any grouse, pheasants, prairie fowl or partridge, Grouse, etc., black and grey squirrels.
woodcock, black and grey squirrels between the
15th day of December and the 15th day of Sep-
tember in the following year. 63 V. c. 49,
s. 4, ss. 4a; 5 Edw. VII. c. 33, s. 8.
- 15 (c) Any quail or wild turkeys between the 1st day of Quail and wild turkeys.
December and the 1st day of November in the
following year. 2 Edw. VII., c. 39, s. 2. (b).
- (d) Any swans or geese between the 1st day of May Swans and geese.
and the 1st day of September of the same year.
- 20 (e) Duck of all kinds or any other water fowl, be- Ducks and other water-fowl.
tween the 31st day of December and the 1st day
of September of the following year.
- (f) Snipe, rail, plover or any other birds known as Snipe, rail, plover, etc.
shore birds or waders between the 15th day of
25 December and the 1st day of September of the
following year.
- (g) Capercailzie from the 15th day of December to the Capercailzie.
15th day of September of the following year;
but no capercailzie to be hunted, taken or killed
before the 15th day of September, 1909. 4 Edw.
30 VII., c. 28, s. 2.
- (h) Hares between the 31st day of December and the Hares.
1st day of October in the following year. 5 Edw.
VII., c. 33, s. 9.
- 35 (2) Notwithstanding anything in this Act, the wood- Cotton-tail rabbits.
hare or cotton-tail rabbit may be taken or killed in any
manner by the owner, occupant or lessee of any land upon
which it can be proved to cause actual damage to trees and
shrubs, or by any member of the family of such owner, oc-
cupant or lessee, or by any person holding a written license
40 or permit to shoot from such owner, occupant or lessee.
2 Edw. VII., c. 39, s. 3.

(3) Notwithstanding anything in this Act contained,
persons who have heretofore put, bred or imported, or who

shall hereafter put, breed or import deer upon their own lands with the desire to breed and preserve the same, and the licensees of any such person may hunt, take or kill any such deer from the 1st day of October to the 15th day of November in any year, both days inclusive, but the onus of proof that such deer were so put, bred or imported shall rest on the person hunting or killing the same. 63 c. 49, s. 4; 2 Edw. VII., c. 39, s. 4.

BEAVER, OTTER, MUSKRATS, ETC.

Beaver and
otter.

13.—(1) No beaver or otter shall be hunted, taken or killed or had in possession by any person before the 1st day of November, 1910, and thereafter no beaver or otter shall be hunted, taken or killed, or had in possession of any person between the 1st day of April and the 1st day of November, nor shall any traps, snares, gins or other contrivances be set for them during such period. 5 Edw. VII., c. 33, s. 2.

Muskrat.

(2) No muskrat shall be hunted, taken or killed or had in possession of any person between the 1st day of May and the 1st day of January of the following year, nor shall any traps, snares, gins or other contrivances be set for them during such period; and any such traps, snares, gins or other contrivances so set may be destroyed by any person without such person thereby incurring any liability therefor. This shall apply to Indians in respect of private or leased land.

Muskrat
houses, etc.

(3) No muskrat shall be shot during the month of April; nor shall any muskrat house be cut, speared, broken or destroyed at any time.

When destruc-
tion of musk-
rats lawful.

(4) Nothing in this Act shall apply to any person destroying any of the said animals in defence or preservation of his property nor shall be held to prevent the destruction of the muskrats by any means, at any time, in the vicinity of dams, or drainage embankments where there is a probability of injury being caused by them to the said dams or drainage embankments. 63 V. c. 49, s. 5, ss. 4.

Provided that the onus of proof shall be on the person destroying any such animals.

SUNDAY.

Hunting on
Lord's day.

14. No person shall, on the Lord's Day, hunt, take, kill or destroy any game, or use any gun or other engine for that purpose. 63 V. c. 49, s. 6.

Special Provisions for Protection of Game, ss. 8, 15.

DEER.

15.—(1) No person shall hunt, take, kill, wound or de- License necessary for hunting deer.
stroy any deer, moose, reindeer, or caribou except under
the authority of a license.

5 (2) No person shall at any time hunt, kill or take any Cow moose, fawns, etc. not to be killed.
cow moose, or young deer, moose, reindeer or caribou under
the age of one year. 63 V. c. 49, s. 8, ss. 2.

(3) No person shall during any one year or season kill Number of deer, etc. which may be killed.
or take more in all than two deer, of which not more than
10 one shall be a doe, one bull moose or one bull reindeer or
caribou; provided that this shall not apply in the case of
deer which are the private property of any person, and
which have been killed or taken by such person or by his
direction, or with his consent, in or upon his own lands
15 or premises; provided always that two or more persons
hunting together, and holding licenses as hereinafter pro-
vided, may kill an aggregate of not more than two
deer for each member of the party, but this shall not be
deemed to authorize any person to kill more than one doe.

20 (4) No owner of any hound, or other dog, known by the Hounds.
owner to be accustomed to pursue deer, shall permit any
such hound or dog to run at large in any locality where
deer are usually found, during the close season for deer.
Any person harboring or claiming to be the owner of such
25 hound or dog shall be deemed to be the owner thereof;
and any hound or dog found running deer during the close
season shall be deemed to be at large with the permission
of the owner thereof, and may be killed on sight by any
person, who shall not be liable to any penalty or damage
30 therefor. 63 V. c. 49, s. 8, ss. 6.

WATER FOWL.

16.—(1) No wild ducks, geese or other water fowl shall Hunting ducks, etc., from sailboats.
be hunted, taken or killed from sail boats, yachts or
launches propelled by steam or other power. 63 V. c. 49.
35 s. 9, ss. 1.

(2) No swivel gun, or guns of any kind of a larger bore Illegal contrivances.
or gauge than 8, and none of the contrivances for taking
or killing wild swans, geese or ducks, which are described
or known as sunken punts or batteries, shall be used at
40 any time. 63 V. c. 49, s. 9, ss. 2.

(3) No blinds or decoys for use in hunting duck or other Blinds or decoys.
water fowl shall be placed at a greater distance than one
hundred yards from the shore or a natural rush bed thick
enough to conceal a boat.

POISONS, TRAPS AND CONTRIVANCES.

Poisons, use of,
prohibited.

17.—(1) No person shall kill or take any game by the use of poison, or poisonous substances, or expose poison, poisoned bait or other poisoned substances, in any place or locality where any game or any dogs or cattle may usually have access to the same. 63 V. c. 49, s. 10, ss. 1. 5

Trapping,
snaring, etc.

(2) None of the said hereinbefore mentioned animals or birds other than those mentioned in section 13, shall be trapped or taken by means of traps, nets, snares, gins, baited lines or other similar contrivances, nor shall such traps, nets, snares, gins, baited lines or contrivances be set for them or any of them, at any time; and such traps, nets, snares, gins, baited lines or contrivances may be destroyed by any person without incurring any liability therefor, if he finds them so set. 63 V. c. 49, s. 10, ss. 2. 15

Shooting at
night.

18. No person shall discharge any gun or other fire-arm at any game between half an hour after sunset and half an hour before sunrise, according to the times given for sunset and sunrise in the publication known as the Canadian Almanac. 63 V. c. 49, s. 11. 20

SHOOTING FOR HIRE FORBIDDEN.

Hired hunters.

19. No person shall for hire, gain or hope of reward, hunt, kill or shoot any game, or employ, hire or for valuable consideration induce any other person so to do. Provided that this shall not be held to apply to the *bona fide* employment of any person as guide to accompany any person lawfully hunting or shooting in this Province. 63 V. c. 49, s. 12. 25

EGGS.

Eggs not to
be taken.

20. No eggs of any game bird shall be taken, destroyed or had in possession by any person at any time. 63 V. c. 49, s. 13. 30

MASKS AND DISGUISES.

Masked or
armed persons
in neighbor-
hood of
preserves.

21. Any person being masked or disguised and carrying or having in his possession any gun or other fire-arm near any preserve or shooting ground (or, in close season, near any place where game is usually found), shall be guilty of an offence under this Act. 63 V. c. 49, s. 14. 35

AUTOMATIC GUNS.

22. No gun of the description known as "automatic" in which the recoil is utilized to reload the gun, shall be used in this Province. 40

23. No person employed in connection with the construction of any railway or Public Work in this Province shall carry or have in possession in the vicinity of such railway or other work, any gun, rifle or other fire-arm 5 except as may be authorized by special license.

PRESERVES.

24.—(1) No person shall at any time shoot, hunt, take or kill any partridge, prairie fowl, quail, woodcock, snipe, wild turkey or other bird or fowl whatsoever within the 10 boundaries of the Rondeau Provincial Park; nor shall any one shoot, hunt, trap, take or kill any wild bird or animal in the said park, except foxes, skunks, weasels, owls, hawks or other noxious birds or animals, and then only with the consent and authority of the ranger of the said 15 park in writing first had and obtained.

Killing game birds in Rondeau Park.

(2) The preceding subsection shall not prevent or apply to the shooting or taking of wild duck or geese in the waters around and along the coasts of the said park during the lawful season. 63 V. c. 49, s. 17, ss. 1, 2.

Wild fowl may be taken near Rondeau Park.

20 PRIVATE PRESERVES—PROPAGATION FOR STOCKING PURPOSES.

25.—(1) In order to encourage persons who have heretofore put, bred or imported, or may hereafter put, breed or import any kind of game upon their own lands with the desire to breed and preserve the same, it is enacted that 25 it shall not be lawful for any person knowing it to be such game, to hunt, shoot, kill or destroy any such game without the consent of the owner of the lands upon which such game has been heretofore or is hereafter so put, bred or imported; provided that this subsection shall not be held 30 to prevent any person from shooting, hunting, taking or killing upon his own lands, or upon any lands over which he has a legal right to shoot or hunt any game which he does not know, or has not good reason to believe had been theretofore put, bred or imported by some other person 35 upon his own lands with the desire to breed and preserve the same. 63 V. c. 49, s. 19, ss. 1.

Protection of private preserves.

Proviso.

TRESPASS IN PURSUIT OF GAME.

26.—(1) No person shall, at any time, enter into any growing or standing grain not his own with sporting implements about his person, nor permit his dog or dogs to 40 enter into such growing or standing grain without the permission of the owner or occupant thereof, and no person shall at any time hunt, shoot, or with a gun or other sporting implement about his person or in his possession 45 go upon any enclosed land of another after having had

Entering on lands after notice not to do so.

notice not to hunt or shoot thereon; and any person who, without the right to do so, hunts or shoots, or with a gun or other sporting implement about his person or in his possession goes upon any enclosed land of another after having had notice not to hunt or shoot thereon, shall be deemed guilty of a violation of this Act. 5

(2) Any owner or occupant of land may give such notice :

(a) Verbally or in writing; or

(b) By maintaining sign boards at least one foot square, containing such notice in the following form, or to the like effect: "Hunting or shooting on these lands forbidden under Ontario Game Laws," on or near the boundary of the land intended to be protected, at such distance as will permit of every sign board being clearly visible from the sign board on either side; or 15

(c) By maintaining such sign boards on or near the boundary of such land, or upon or near the shores of any water covering the same, or any part thereof, to the number of two for each fifty acres thereof. 20

(3) Any person who, without authority in that behalf, puts up, or causes to be put up, any such notice on any lands of which he is not the owner, or in the possession of which he is not legally entitled to, or who tears down, removes, injures, defaces, or interferes with any such notice, shall be deemed guilty of a violation of this Act. 25

(4) Nothing in this section contained shall be so construed as to limit or in any way affect the remedy at common law of any such owner or occupant for trespass. 30

(5) For the purposes of this section, land, the boundary or any part of the boundary of which is a water line or line between land and water, or passes through a marsh or swamp, or any land covered with water, or any land without sufficient trees or obstructions to prevent any post hereinafter mentioned being clearly visible from the nearest post on either side thereof, shall be deemed to be enclosed, if posts are put up and maintained on the boundary thereof, or on the boundary of the part thereof sought to be enclosed, at distances which will permit of every post being clearly visible from the nearest post on either side thereof, and so placed that the boundaries will be sufficiently indicated by such posts. 63 V. c. 49, s. 20. 35 40

Notice to trespassers, how given.

Unauthorized putting up, or interfering notices illegal.

Common law rights preserved.

Marsh lands.

PART III.

FISH.

27. The Lieutenant-Governor in Council may make regulations:—

- 5 (a) Providing for the issue of leases of Crown lands, Issue of leases.
with such fishing rights thereto pertaining, at
such rentals, and on such terms and conditions
as may be deemed expedient. 63 V. c. 50, ss.
12, 15, 16; 1 Edw. VII. c. 37, s. 3, 4, 6.
- 10 (b) Forbidding fishing in any waters within the Pro- Forbidding fishing except under license.
vince except under the authority of a license
to be issued on the terms and conditions by the
regulations provided. 1 Edw. VII. c. 37, s. 3.
- 15 (c) Preventing the destruction of fish and improper, Wasteful and destructive fishing.
wasteful and excessive taking thereof. 1. Edw.
VII. c. 37, s. 3.
- (d) Regulating the number, size and weight of any Number and weight of fish.
species of fish that may be caught, possessed,
purchased or sold. 63 V. c. 50, s. 29.
- 20 (e) Regulating the taking of frogs and setting apart Frogs.
any suitable provincial waters for the cultiva-
tion and propagation of frogs. 63 V. c. 50, s.
43.

28. Except under the authority of a license, no sturgeon Sturgeon.
25 shall be caught, taken or killed by any means whatever.
1 Edw. VII. c. 37, s. 14.

29. Except as authorized by special license, no fish or Taking spawn etc., for breeding purposes.
spawn shall be taken in any manner or at any time from
provincial waters for the purpose of stocking, artificial
30 breeding, or for scientific purposes. 1 Edw. VII. c. 37,
s. 8.

30.—(1) Except under the authority of a license, no one Regulations as to Nepigon waters.
shall fish in the waters of Lake Nepigon in the District
of Thunder Bay, in the River Nepigon in the same Dis-
35 trict, nor in any tributaries of the said lake or river. 63
V. c. 50, s. 51, ss. 1; 1 Edw. VII. c. 37, s. 17, ss. 1.

(2) This section and the conditions applicable to licenses Indian and other guides.
authorizing such fishing shall apply to Indians as well as
to all other guides, boatmen, canoe men, camp assistants
40 or helpers of any kind of any fishing party or persons who
may hold any such license. 63 V. c. 50, s. 52.

Provisions as to setting apart of waters for natural or artificial propagation of fish.

31. The Superintendent may authorize to be set apart, and to be leased, any waters for the natural or artificial propagation of fish; and any person who wilfully destroys or injures any place so set apart, or used, for the propagation of fish therein, without written permission from an overseer or from the lessee or licensee thereof, or uses therein a fishing light, or other like implement for fishing or fishes therein, during the period for which the waters are so set apart, shall be guilty of a violation of this Act. 63 V. c. 50, s. 27. 5 10

Nets to be marked with name of owners.

32. All nets shall have the name of the owner or owners legibly marked on two pieces of metal or wood attached to the same; and such mark shall be preserved on such nets during the fishing season, in such a manner as to be visible without taking up the net or nets; and any net used without such mark shall be liable to confiscation. 63 V. c. 50, s. 35. 15

Liability for penalties.

33. Every proprietor, owner, agent, tenant, occupant, partner or person actually in charge of any fishery, either as occupant or servant, shall be jointly and severally liable for any penalties or moneys recoverable under any of the provisions of this Act or any regulations made thereunder. 20

Transfer of lease.

34. No lessee shall have the right to sub-let, transfer or assign any right, interest or privilege granted or conferred upon him under the provisions of this Act without first having obtained the written consent of the Superintendent. 63 V. c. 50, s. 17. 25

Lessee not entitled to compensation in case of deficiency.

35. If, in consequence of any incorrectness of survey, or other error or cause whatsoever, a lease comprises lands included in a lease of a prior date, the lease last granted shall be void in so far as it interferes or purports to interfere with that previously issued, but the lessee shall have no claim for indemnity or compensation on account thereof. 63 V. c. 50, s. 18. 30

Rights of passage.

36. Every lease shall be deemed to have been made and granted subject to the right of passage to and from any water in favour of the occupants (if any), under title from the crown, of the lands in rear of those included in the lease, whether so expressed therein or not. 63 V. c. 50, s. 19. 35 40

Disputes, adjustment of.

37. Disputes between persons relative to fishing limits or claims to fishery locations or stations in provincial waters or relative to the position and use of nets and other fishing apparatus in provincial waters, shall be settled by the local overseer, subject to appeal to the Superintendent. 63 V. c. 50, s. 36; 1 Edw. VII. c. 37, s. 10. 45

38.—(1) A lease shall, as against trespassers, entitle the lessee to all the rights of an owner in fee simple of the land and premises described therein.

Rights of
lessee against
trespasser.

(2) Every person not authorized by law so to do, who enters upon or passes over any fishery, or any land or premises described in any lease, without permission of the lessee or his representative, shall be deemed a trespasser, and shall be liable to all the penalties by law provided, and to pay all damages which any lessee or owner may be entitled to recover, and shall in addition be guilty of a violation of this Act.

Liability of
trespassers.

(3) This section shall not apply to any person entering upon or passing over such lands in discharge of any duty imposed by law, nor, when the lands are included in a timber license, to the holder thereof, who shall at all times have the right to cut and take away all trees, timber and lumber within the limits of his license; nor to prevent the owners or occupiers of land bordering on any waters using a general right of passage to and from such waters, nor to prevent the public use of any waters or the banks thereof either for the conveyance of timber and lumber of any kind, or for the free navigation thereof by vessels, boats or other craft; nor to any user under license by the Crown of any such lands or waters for any purpose or occupation not inconsistent with the provisions of this Act. 63 V. c. 50, ss. 24, 25.

Rights of
holders of
timber license,
navigation,
etc.

39. Every person shall be guilty of an offence against this Act who, without permission of the owner, lessee or proprietor of the right of fishing, fishes, or employs or induces any other person to fish, or assist in fishing, in any fishery or in any lake, pond, stream or water in which fish are lawfully preserved, cultivated, owned and maintained, or shall remove or carry away, or employ or induce or assist any other person to remove or carry away any fish in any such fishery or waters, and any net, article, apparatus or appliance used contrary to the provisions of this section, may be seized on view by any overseer or by the lessee, owner or proprietor, to be afterwards dealt with according to law; provided always, that the occupation of any fishing grounds or waters leased for the express purpose of net fishing, shall not interfere with, nor prevent, angling for other purposes than those of sale or traffic. 63 V. c. 50, s. 26.

Fishing within
limits of
fisheries or
preserves or
prohibited.

PART IV.

POSSESSION—SALE—TRANSPORTATION.

- Regulations. **40.** The Lieutenant-Governor in Council may make regulations:—
- Sale of snipe, quail, woodcock and partridge. (a) Prohibiting or regulating the purchase and sale of, or traffic in, snipe, quail, woodcock, partridge, speckled trout, bass and maskinonge. 5 Edw. VII. c. 33, s. 3.
- Sale of imported game if lawfully procured. (b) Authorizing and regulating the sale of game imported into the Province of Ontario and lawfully hunted, killed or procured according to the law of the province, state or country where the same was killed or procured. 10
- Sale of speckled trout, bass, maskinonge. (c) Prohibiting or regulating the purchase and sale of or traffic in speckled trout, bass and maskinonge. 1 Edw. VII. c. 37, s. 3; 3 Edw. VII. c. 7, s. . 15
- Possession, etc., of fish in close season. (d) Prohibiting the possession, purchase, sale and transportation of any species of fish in close season. 63 V. c. 50, s. 14. 20
- Possession of game and fish in close season. **41.**—(1) No person shall have in his possession, or in the possession of any servant, agent or other person on his behalf, any game, no matter where killed or procured, during the close season therefor, or any fish in close season contrary to the prohibition of any law, or regulation except 25 as in this subsection expressly provided and excepted, that is to say:—
- (a) Game lawfully killed or procured may be kept during the period between the end of the open season in any year and the first day of January 30 in the following year;
- (b) Skins of moose, deer, cariboo and fur-bearing animals may be had in possession during close season under the authority of a license issued not later than ten days after the end of the 35 open season, and specifying the number and description of such skins. 63 V. c. 49, s. 15, ss. 1; 5 Edw. VII. c. 33, s. 4.
- Cold storage in open season. (2) Except as expressly authorized by license, no person other than the actual owner, for the use of himself 40 and family, shall keep game in cold storage during the season in which the same may be lawfully possessed as aforesaid.

42.—(1) Except as expressly authorized by license, and Purchase and sale of game.
 as in this section expressly provided, no person shall, by
 himself, his servant, clerk or agent, buy, sell or expose or
 keep for sale, or directly or indirectly, on any pretense or
 5 device, or for any valuable consideration, barter, give or Selling without license.
 obtain, to or from any other person, any game, no matter
 where killed or procured; Provided that the person who has
 actually and lawfully hunted, taken and killed any game Provisoes.
 may sell the same, or any part thereof, during the open
 10 season therefor. Provided also that it shall be lawful to buy
 from such person, or from the holder of a game dealer's
 license, any game which such person or licensee is at the
 time of sale authorized to sell under the provisions of this
 Act. 63 V. c. 49, s. 15, ss. 2.

15 (2) Except as expressly authorized by license, no hotel, Supplying game at meals.
 restaurant or club shall supply for or as a part of any meal
 for which a charge is made, any game, no matter where
 killed or procured, during the close season therefor, or
 any fish contrary to the prohibition of any law or regula-
 20 tion. 63 V. c. 49, s. 15, ss. 3.

(3) It shall be an additional offence against this Act,
 punishable by a penalty of not less than the maximum
 penalty which would be otherwise applicable, to unlaw-
 fully supply at any hotel, restaurant or club, for, or as
 25 part of, a meal, any game or fish under any pretended
 name, or under the designation of anything which might
 at the time be lawfully supplied.

43. Every express company and common carrier, every
 person or corporation engaged in the business of cold stor-
 30 age, every person or corporation engaged in the business
 of purveying or dealing in game or fish, every person or
 corporation engaged in the business of lumbering, or in
 charge of any camp near any fishery or near any place in
 which game is usually found, every person fishing or in
 35 charge of any fishery, and every person or corporation
 holding any lease or license, shall, upon request, permit
 any inspector, warden, overseer or other officer to enter
 and inspect any car, building, premises or enclosure, and
 to open any receptacle for the purpose of examining all
 40 game and fish taken and all implements and appliances
 for hunting and fishing and for the purpose of searching
 for game or fish illegally killed or procured, and to inspect
 any books, invoices, or documents containing any entries
 or memoranda relating to game or fish illegally killed or
 45 possessed, and shall afford any such officer who may make
 any such request all reasonable facilities for any such
 search, and in case of refusal and such officer shall
 have power, without a search warrant, to break such locks
 and fastenings as may be necessary in order to make such

examination, using no more force than necessary for such purpose. 63 V. c. 49, s. 16, ss. 6; 63 V. c. 50, s. 30.

Transporting
deer, moose,
etc. without
shipping cou-
pons.

44.—(1) No railway or express company, or other common carrier, and no other person whatever shall transport or receive, or have in possession for any purpose in this Province any deer, moose, elk, reindeer or caribou, or any head, skin or other part thereof unless there is attached thereto one of the shipping coupons belonging to a license authorizing the shipper to hunt or kill the same, together with an affidavit of the shipper (if required) that the same was legally hunted or taken. 63 V. c. 49, s. 16, ss. 1. 5

Game in
close season.

(2) No railway or express company, or other common carrier, and no other person whatever, shall transport or receive or have in possession for that purpose in this Province any game during the close season therefor, or in open season after the date of expiry of the shipping coupon attached thereto, unless there be attached thereto (in addition to a shipping coupon if required) an affidavit of the shipper that the same was lawfully hunted and taken. 63 V. c. 49, s. 16, ss. 2. 15

Affidavit
necessary.

20

Game
killed in other
provinces.

(3) The two proceeding subsections shall not apply to prevent the transportation of any game if accompanied by an affidavit that the same was lawfully killed in some other Province or district of the Dominion of Canada, according to the law of such Province or district. 63 V. c. 49, s. 16, 25 ss. 3; 5 Edw. VII., c. 33, s. 5.

Weight of fish
not to be
transported.

(4) No common carrier or other person shall ship or transport out of this Province or shall receive or have in possession for the purpose of shipping or transporting out of this Province, any salmon trout, lake trout or white fish weighing less than two pounds undressed taken or caught in Provincial waters. 63 V. c. 50, s. 39. 30

Transporting
fish illegally
caught.

(5) No common carrier or other person shall receive or have in his possession or shall ship or transport to any point or place any fish caught or killed within this Province at a time or in a manner prohibited by law. 63 V. c. 50, s. 40. 35

Particulars
to be marked
on parcels of
fish or game.

45. All receptacles, including bags, boxes, baskets, crates, packages and parcels of every kind in which game or fish is packed for transportation, shall be so constructed as to show the contents thereof, or shall be marked with the description of the contents, and in either case shall be marked or labelled with the names and addresses of the consignee and consignor; and in case of failure to comply with the provisions of this section, the owner, consignor and person actually shipping and claiming such receptacles 40 45

shall be deemed guilty of an offence against this section.
63 V. c. 49, s. 16, ss. 7; 63 V. c. 50, s. 42.

46.—(1) Any non-resident who may at any time be entitled to hunt or shoot within the Province of Ontario by virtue of a license under this Act, shall, so far as the authority of the Legislature of the Province of Ontario extends, be at liberty to export out of the Province in any one open season game actually and lawfully killed by him, as follows: one bull moose, reindeer or caribou, two deer, 10 100 duck; but a shipping coupon attached to such license shall be attached to every such deer and to every receptacle containing such other game, and such person must, if required by any overseer, make a statutory declaration of the fact that such game has been lawfully killed by him.
15 63 V. c. 49, s. 16, ss. 4.

Exporting deer, etc. by holders of non-resident license.

(2) Except as aforesaid, no person shall at any time export from the Province of Ontario, or with such intent hunt, take or kill any game, except any deer, moose, elk, reindeer or caribou which are not wild but which are the private property of any person and have been killed or 20 taken by such person or by his consent or direction in and upon his own lands and premises. 63 V. c. 49, s. 16, ss. 5.

PART V.

LICENSES.

25 47. The Lieutenant-Governor in Council may make regulations: Regulations.

- (a) Governing the issue of licenses and (subject to the provisions of this Act) establishing the terms and conditions thereof, the period for which the same shall issue, and the fees payable in respect thereof. 63 V. c. 49, s. 24, ss. 2. 30
- (b) Increasing the fee payable for non-resident hunting license to \$50. Fees.
- (c) Granting without fee a special license to enable a guest of a resident of the Province to hunt and shoot therein for a term not exceeding one week. 63 V. c. 49, s. 3, ss. 2. 35
- (d) Reducing the fee for non-resident hunting license to residents of other provinces of the Dominion of Canada by providing that such licenses may issue upon the same terms and conditions as residents of Ontario are under the laws of such 40

Terms of license.

Fees.

Special license to guest of resident.

Reduced fee to residents of other provinces.

other Provinces respectively permitted to hunt, shoot or fish therein. 63 V. c. 49, s. 3, ss. 3.

Conditions
applicable to
all licenses.

48. The following terms and conditions in addition to any others imposed by regulation shall apply to all licenses issued under this Act, or any regulation.

5

Not to be
issued to con-
victed persons.

(a) No license shall be issued to any person, or to any corporation employing any person, who may in such employment may have been convicted of any offence against this Act within two years next proceeding the date of application for such license. 63 V. c. 49, s. 24, ss. 4.

Illegal
transfer.

(b) Licenses shall not be transferable, and every person shall be guilty of an offence under this Act who shall buy, sell, exchange or in any way become a party to the transfer of any license, or who shall in any way use, or attempt to use, a license issued to any other person.

(c) Licenses shall be subject to be cancelled by the Superintendent subject to appeal to the Minister, by reason of contravention by the licensee (or by any other person with his connivance) of this Act or of any regulation or of any of the terms and conditions of such license, notwithstanding that no prosecution has been instituted or conviction had in respect of such contravention. 63 V. c. 50, s. 12; 1 Ed. VII., c. 37, s. 34.

(d) A conviction for any offence under this Act or any regulation shall operate as a cancellation of every license held by the person convicted. 63 V. c. 50, s. 22; 1 Ed. VII., c. 37, s. 7.

(e) The issue of licenses under this Act and under regulations from time to time in force, shall be in the discretion of the Superintendent, subject to appeal to the Minister, but no person shall be deemed to have any claim to the issue of a license as of right.

Gun licenses.

49.—(1) Licenses authorizing guns or rifles to be carried or used by residents of the Province of Ontario may be issued subject to the following in addition to any conditions imposed by regulation.

(2) Each gun license shall be valid only for the calendar year in which the same is issued, and shall expire on the 31st day of December in that year. The fee for each gun license shall be the sum of \$1.

45

(3) Hunting licenses issued as hereinafter provided shall be deemed to be and include gun licenses, without payment of any additional fee.

(4) Fees received for gun licenses under this section shall not be paid into or form part of the Consolidated Revenue Fund of the Province, but shall be paid into and form a special fund, which shall be expended by the Minister for the enforcement of this Act, and until otherwise provided by regulation the same shall be expended in payment of salaries of special overseers and in making grants to county game protective associations to assist such associations in enforcing the law.

(5) The certificate or order of the Minister that any sum of money is required to be paid out of the said fund shall be sufficient authority for the issuing of a cheque by the Provincial Treasurer for the amount named in such certificate or order, and the officer or other person to whom such cheque is issued shall account to the Minister for the proper disbursement of the amount received by such officer or other person.

50.—(1) Licenses authorizing hunting and shooting in the Province of Ontario may be issued as follows:— Hunting licenses.

- (a) Authorizing persons not resident in the Province of Ontario to carry guns, rifles and firearms and to hunt and shoot therein, limited as to deer to a specified period of fifteen days in any season. The fee for such license shall be \$25, until otherwise provided by regulation increasing the fee to not more than \$50. 63 V. c. 49, s. 25, ss. 1 (a). To non-residents.
- (b) Authorizing residents of the Province of Ontario to hunt deer during a specified period of fifteen days in any season. The fee for such license shall be \$2. 63 V. c. 49, s. 25, ss. 1 (b). To residents, deer.
- (c) Authorizing residents of the Province of Ontario to hunt moose, reindeer or caribou. The fee for such license shall be \$5. 63 V. c. 49, s. 25, ss. 1 (c). Production of licenses on demand.

(2) Licenses issued under the authority of this section shall be subject to the following in addition to any conditions imposed by regulation:

- (a) Every person who has obtained a license under this section shall at all times when hunting carry such license on his person, and shall at all reasonable times and as often as reasonably requested, produce and show the same to any per-

son requesting him so to do, and on failure or refusal to do so shall forfeit such license, and if found hunting or taking any deer or other animal, for hunting which such license may be required, shall, on proof of failure or refusal to comply with such request, be deemed to have been guilty of an offence against this Act. 63 V. c. 49, s. 25, ss. 2. 5

(b) Every person who has obtained a license under this section shall within two weeks after the close of the open season in the year for which such license has been issued, make a return, verified by declaration, giving such particulars of his use of such license as shall be required by regulation according to the form printed thereon. 15

(c) Every person shall be guilty of an offence against this Act who shall fail to make the return required by the next preceding subsection, and shall be guilty of an additional offence with respect to each month which shall thereafter elapse without making such return. 20

Coupons to be attached to license.

(d) There shall be attached to every license authorizing the hunting of deer, two shipping coupons, and to every license authorizing the hunting of moose, one shipping coupon, and there shall be printed or stamped upon each coupon the date when the same shall expire, which shall not be later than ten days after the last day for which the license thereto attached has been issued, and when any deer, moose, reindeer or caribou, or any part thereof, or any game for export under section 46 of this Act, is presented for shipment at any railway station, steamboat landing or other point of shipment, one of the said coupons shall be signed and attached by the person to whom the license is issued, in the presence of the shipping agent or clerk in charge of the office at such point of shipment, and attached to each deer or other animal, or part thereof, or package as aforesaid, and thereupon such shipping agent shall write across the face of such coupon the word "cancelled"; and any person, shipping agent or clerk neglecting so to do, or using a shipping coupon after the date of expiry thereof and shipping or assisting in the shipment of anything to which a shipping coupon is required to be attached, without complying in all respects with the provisions of this section, shall be guilty of any offence against this Act. 63 V. c. 49, s. 26, ss. 1. 50

Cancellation of.

51. Licenses may be issued upon such terms and conditions as may be imposed by regulation:—

- (a) Authorizing any person or corporation engaged in the business of cold storage of perishable articles to keep any game during the open season and during the period in close season extending from the end of the open season in any year to the 1st day of January of the following year. The fee for such license shall be \$25. 63 V. c. 49, s. 27, ss. 1 (a). Cold storage.
- (b) Authorizing any person or corporation during the open season and during the period in close season extending from the end of the open season in any year to the 1st day of January of the following year to buy and sell, and, within the limits of the municipality for which such license is issued, to expose for sale, game lawfully killed and procured, and during such period and upon such conditions as may be fixed and established by regulation game imported into the Province of Ontario, specified and described in such regulation, and lawfully hunted, killed or procured according to the law of the Province, State or Country where the same may have been killed or procured. The fee for such license shall be in cities having a population of 100,000 or over, \$25; in other cities having a population of over 50,000, \$10; in other cities having a population under 50,000 and over 25,000, \$5; in cities having a population under 25,000 and in towns, \$2; and in incorporated villages and townships, \$1. 63 V. c. 49, s. 27, ss. 1 (b). Game dealers. Sale in open season. Rule of imported game in close season.
- (c) Authorizing a hotel, restaurant or club to supply for or as part of a meal served upon the premises of such hotel, restaurant or club, any game lawfully obtained during the period in which the same may be sold under game dealer's license as hereinbefore provided. The license fees shall be for cities having a population of over 100,000, \$10; for cities having a population over 50,000, \$5; and all other municipalities, \$1. 63 V. c. 49, s. 27, ss. 1 (c). Supply of game by hotels, etc.

52. Licenses may be issued authorizing fishing in the Nepigon River, Nepigon Lake and adjacent waters subject to the following in addition to any other conditions imposed by regulation: Conditions of Licenses for Nepigon waters.

- (a) One license only may be issued to any applicant, and shall not be for a longer period than four weeks from the date of issue.
- (b) The fee for such license shall be \$15 for a period of two weeks or less, \$20 for three weeks and \$25 for four weeks, where the applicant is not a permanent resident of Canada; and \$5 for two weeks and \$10 for four weeks where the applicant is a permanent resident of Canada. 5
- (c) The said license shall not be transferable and the holder thereof shall produce and exhibit the same whenever called upon so to do by an overseer. 10
- (d) All fishing camps, and fishing parties visiting the said waters shall be subject to the supervision of overseers. 15
- (e) Such sanitary arrangements as an overseer may direct shall be made, and such directions as he may give for the disposal of refuse and the extinction of fires shall be complied with. 20
- (f) The cutting of live timber the property of Ontario by persons holding a license or permit to fish in said waters, their servants or agents, is prohibited except where absolutely necessary for the purpose of camping and shelter, such as for tent poles, tent pins, and the like. 25
63 V. c. 50, s. 51; 1 Edw. VII., c. 37, s. 17.

Not transferable and to be produced upon request.

Subject to supervision.

Sanitary arrangements.

Cutting of live timber prohibited.

Fishing licenses.

53. Licenses may be issued authorizing fishing in any waters within the Province subject to any terms, conditions or limitations, and for any district, or fishery, and within any boundaries therein and in any regulation set forth. 63 V. c. 50, s. 12; 1 Ed. VII., c. 37, s. 4. 30

Guides

54. Licenses may be issued on such terms and conditions as may be imposed by regulation, giving authority to act as guides for hunting, shooting or fishing, in any part or district of the Province specified in any such licenses, to such persons applying therefor as may be certified by any Inspector or Warden to be fit and proper persons and qualified so to act. The fee for any such license shall not exceed \$2. 63 V. c. 49, s. 28, ss. 4. 40

PART VI.

ADMINISTRATION.

55. The Lieutenant-Governor in Council may make regulations:—

- 5 (a) For the proper administration of the Game and Fisheries Branch. Adminis-
tration.
- 10 (b) For the appointment and for the remuneration of the superintendent, inspectors, wardens, overseers, officers, servants and other persons, including private prosecutors, whose assistance may be from time to time required or given for the purposes of this Act. 63 V. c. 49, s. 23, ss. 2; 63 V. c. 50, s. 5, ss. 1 (*amended*). Appointment
of officers.
- 15 (c) Conferring upon certain overseers by special ap- pointment powers of justices of the peace for the purposes of this Act and of all regulations. 63 V. c. 50, s. 5 (*amended*). Making certain
overseers
Justices of the
Peace.

56. The administration of the Game and Fisheries Branch shall, under the Minister, be in charge of the chief officer thereof, who shall be known as the Superintendent of Game and Fisheries. Superin-
tendent.

57. There shall also be appointed Inspectors of Game and Fisheries, not exceeding three in number, who shall, in addition to such duties as may be imposed upon them by regulation, examine and report upon the enforcement of the Act in all parts of the Province, the manner in which all Wardens and Overseers have during the year performed their duties, and shall also examine all applicants for the office of Game and Fishery Overseer. Inspectors of
Game and
Fisheries.

58. There shall also be appointed Wardens of Game and Fisheries, not exceeding seven in number, who, subject to the Superintendent, shall have charge of and be responsible for the enforcement of this Act in the districts for which they shall respectively be appointed, being such portions of the Province as shall be described in the regulation providing for their appointment. 63 V. c. 49, s. 22, ss. 1 (*amended*); 5 Edw. VII. c. 33, s. 6. Wardens of
Game and
Fisheries.

59.—(1) The Superintendent, Inspectors and Wardens of Game and Fisheries, Overseers authorized by their ap- pointment to act as Justices of the Peace, and those mem- bers of the Provincial Police Force known as Inspectors of Criminal Investigations, having taken the oath of office hereinafter prescribed, shall be Justices of the Peace in Officers
authorized to
act as Justices
of the Peace.

and for every County or District of the Province for the purposes of this Act and of all regulations. 63 V. c. 49, s. 22, ss. 4; 5 Edw. VII. c. 33, s. 7.

Oath to be taken before acting as Justices of the Peace.

(2) The said Superintendent, Inspectors, Wardens and Overseers shall, before acting as Justices of the Peace as aforesaid, take and subscribe the following oath:— 5

I, A. B., Superintendent (*or as the case may be*), appointed under the provisions of *The Ontario Game and Fisheries Act*, do solemnly swear that to the best of my judgment I will faithfully, honestly and impartially fulfil, execute and perform the office and duty of such Superintendent (*or as the case may be*) according to the true intent and meaning of *The Ontario Game and Fisheries Act* and of all regulations made thereunder. So help me God. 10

63 V. c. 49, s. 22, ss. 5. 15

Overseers appointed and dismissed.

60.—(1) Subject to the approval of the Minister, the Superintendent of Game and Fisheries shall have power to appoint and from time to time in his discretion dismiss game and fishery overseers in and for any part of the Province. 63 V. c. 49, s. 23, ss. 1. 20

Remuneration of Overseers, etc.

(2) Overseers shall be paid by salary or by special remuneration for work performed, prosecutions conducted or convictions obtained under this Act, or partly by salary and partly by special remuneration as aforesaid, but shall not be entitled to receive directly any fines imposed for offences against this Act. 63 V. c. 49, s. 23, ss. 2 (*amended*); 63 V. c. 50, s. 8 (*amended*). 25

Powers and duties of Overseers.

61.—(1) Every overseer shall, before acting as such, obtain and deposit with the Superintendent a written certificate signed by an Inspector or Warden, certifying that he is a fit and proper person to be appointed to the office of Overseer, and shall take and subscribe the following oath:— 30

Oath of Overseer.

I, A. B., a Game and Fishery Overseer in and for the (County, District or Territory) described in my appointment, do solemnly swear that to the best of my judgment I will faithfully, honestly and impartially fulfil, execute and perform the office and duty of such Overseer according to the true intent and meaning of *The Ontario Game and Fisheries Act* and of all regulations made or to be made thereunder. So help me God. 35

63 V. c. 49, s. 23, ss. 12; 63 V. c. 50, s. 6. 40

(2) Persons duly appointed Overseers and having obtained the certificate and taken the oath hereinbefore provided, shall be, and exercise the authority of constables for the purposes of this Act and of all regulations. 63 V. c. 49, s. 23, s. 6.

Arrest on view.

(3) It shall be the duty of every Overseer (not being himself a Justice of the Peace or authorized to act as such).

on view of a violation of this Act, to arrest the person criminal investigations, having taken the oath of office committing the same, without process, and to bring him with reasonable diligence before a Justice of the Peace or
5 Magistrate to answer therefor. 63 V. c. 49, s. 23, ss. 9.

(4) It shall be the duty of every Overseer, if he has reason to suspect and does suspect that game, peltries or fish have been killed, taken or shipped or are possessed contrary to the provisions of this Act, or of any regulation,
10 and are contained in any trunk, box, bag, parcel, or receptacle, to open the same, entering all premises which he may be authorized to enter under the terms of this Act, and using necessary force, in case the owner or person in charge refuses to facilitate his search, and if such overseer
15 has reason to believe and does believe that it is necessary to enter any store, private, house, warehouse, car or building which he is not authorized under the terms of this Act to enter without a search warrant, he shall make a deposition according to Form A in the schedule annexed to this Act
20 before a Justice of the Peace, and demand a search warrant to search such store, private house, warehouse, car or building, and thereupon such Justice of the Peace may issue a search warrant according to Form B in the said schedule. 63 V. c. 49, s. 23, ss. 4, 5.

Duty to search.

Opening parcels or entering premises.

Search warrant.

(5) It shall be the duty of every Overseer forthwith to seize all game and fish and all boats, guns, decoys, nets, lines, tackle, appliances, materials and articles used or possessed contrary to the provisions of this Act or of any regulation, and to deal therewith according to law, provided that all articles the use whereof is at all times unlawful shall be forthwith destroyed. 63 V. c. 49, s. 23, ss. 3; 63 V. c. 50, s. 56.

Duty to seize.

(6) Overseers shall have all powers and duties conferred upon them for the purposes of this Act by any regulation
35 and by the terms and conditions of any lease or license.

General powers.

(7) It shall be the duty of every Overseer to investigate all cases of violations of this Act or of any regulation which may be brought to his notice, and to prosecute all persons whom he may have reasonable cause to believe
40 guilty of any offence against this Act or any regulation. 63 V. c. 49, s. 23, ss. 4.

Duty to investigate and prosecute.

(8) In the discharge of his duties every Overseer and every person by him accompanied, or authorized for that purpose, may enter upon, and pass through, or over,
45 private property, without being liable for trespass. 63 V. c. 50, s. 7.

Right of passage.

(9) Overseers shall make such annual and other reports and returns as the Superintendent may from time to time require.

Reports.

Obstructing
officers in the
discharge of
their duty.

(10) Any person who shall obstruct, hinder, delay or interfere with any Overseer appointed under this Act in the discharge of his duty under the provisions of this Act or while enforcing or attempting to enforce, or while acting under any Act or Regulation of Canada relating to fish, fishing or fisheries, by violence, hindrance or by the means of threats, or by giving false information, or in any other manner whatsoever, shall be guilty of a violation of this Act. 63 V. c. 50, s. 31. 5

Neglect to
fulfil duties.

(11) Every Overseer or other person authorized to enforce the provisions of this Act, and neglecting or refusing so to do, or to perform any of the duties pertaining to their office as above set forth, shall be guilty of an offence under this Act. 63 V. c. 49, s. 23, ss. 11. 10

Abuse of
power.

(12) Any officer who maliciously, or without probable cause, abuses his power in such proceedings, shall be guilty of an offence under this Act. 63 V. c. 49, s. 23, ss. 10. 15

Duty of.

(13) All the provisions of this section as to Overseers shall apply to the Superintendent, Inspectors and Wardens so far as is consistent with their respective duties otherwise imposed, and all sheriffs, deputy sheriffs, provincial police or constables, county constables, police officers, wood rangers, Crown lands agents, timber agents and fire wardens are hereby constituted Overseers with all the powers and duties by this section conferred and imposed upon Overseers who have duly taken the oath of office as hereinbefore provided. 63 V. c. 49, s. 23, ss. 7, 13; 63 V. c. 50, s. 5, ss. 2. 20

PART VII.

30

PROCEDURE—EVIDENCE—PENALTIES.

Provisions
with respect
to summary
proceeding.

62.—(1) The following provisions shall have effect with respect to summary proceedings for offences, fines and penalties under this Act or any regulation.

Persons before
whom offences
may be tried.

(2) All prosecutions under this Act may be brought and heard before any person authorized by this Act to act as a Justice of the Peace or before any of His Majesty's Justices of the Peace in and for the county or district where the penalty was incurred or the offence was committed, or wrong done, or if near any boundary between different counties or districts, then in either, or in the county or district where the offender lives or is found, and in cities, towns and incorporated villages in which there is a Police Magistrate before such Police Magistrate, but no person charged with an offence under this Act shall be compelled 35 40 45

to attend before a magistrate at a greater distance from the place where he may have been found or arrested or from his place of residence or the place where the offence was committed than ten miles, if there is a magistrate residing within that distance who is willing to dispose of the case and is not interested in any way therein, or related to or connected with any of the parties thereto. 63 V. c. 49, s. 31, ss. 2.

(3) The information or complaint shall be laid within ^{Limitation.} six months after the commission of the offence; provided that this shall not apply to prosecutions for omissions to make any returns required by this Act or by any regulation. 63 V. c. 50, ss. 54, 54.

(4) Any contravention of, or offence against any regulation or the terms or conditions of any lease or license issued thereunder shall be and may be stated as being an offence against this Act. 63 V. c. 50, ss. 11, 12; 1 Edw. VII. c. 37, ss. 3, 4, 15 (*amended*). ^{Offences.}

(5) The description of an offence, in the words either of this Act or of any regulation, or in any similar words shall be sufficient in law. ^{Description of offence.}

(6) Any exception, exemption, proviso, excuse or qualification, whether or not it accompanies the description of the offence in this Act, or in any regulation, may be proved by the defendant, but need not be specified or negatived in the information or complaint, and if so specified or negatived, no proof in relation to the matter so specified or negatived shall be required on the part of the informant or complainant. 63 V. c. 49, s. 31, ss. 5. ^{Exceptions.}

(7) Any justice of the peace or other person authorized under the provisions of this Act to act as a justice of the peace for the purposes thereof, may upon his own view convict for any offence against this Act or any regulation. 63 V. c. 49, s. 22, ss. 3. ^{Conviction on view.}

(8) A violation of this Act or of any regulation shall constitute a separate offence in respect of each game animal, bird or fish which is the subject thereof, though more than one violation of the same kind or of a different kind and in respect of more than one game animal, bird or fish takes place at the same time or upon the same day. 63 V. c. 49, s. 29, ss. 3; 63 V. c. 50, s. 57. ^{Separate offences.}

(9) Upon the trial of any prosecution under this Act the Justice or Justices before whom the same is tried, shall if it appears that more than one offence of the same kind was committed at the same time, or on the same day, impose all the penalties in one conviction which he or they are hereafter empowered to do. 63 V. c. 49, s. 31, ss. 5. ^{Different offences on same day.}

Committal on non-payment of fine.

(10) The Justice or Justices shall, in any such conviction, adjudge that the defendant be imprisoned unless the penalty, and also the costs and charges of prosecution and commitment, and of conveying the defendant to prison, are sooner paid. 63 V. c. 49, s. 31, ss. 6; 63 V. c. 50, s. 61. 5

Costs.

(11) The amount of the costs and charges of the commitment and conveying of the defendant to prison shall be ascertained and stated in the warrant of commitment. 63 V. c. 49, s. 31, ss. 7.

Defects of form.

(12) A conviction or order made in any matter arising 10 under this Act, either originally or on appeal, shall not be quashed for want of form, and a conviction or order made by a court of summary jurisdiction, against which a person is authorized to appeal, shall not be removed by *certiorari* or otherwise either at the instance of the Crown or 15 any private person into the High Court, except for the purpose of the hearing and determination of a special case.

Convictions not removable on *certiorari*.

Application of Rev. Stat. c. 90.

(13) In all prosecutions under this Act, save when herein otherwise provided, the procedure shall be governed by *The Ontario Summary Convictions Act*. 63 V. c. 49, s. 31, 20 ss. 9; 63 V. c. 50, s. 62.

EVIDENCE.

Onus of proof.

63.—(1) In all actions and prosecutions under this Act the onus shall be upon any person found in possession of any game or fish in close season, to prove that such game 25 was lawfully taken, killed and obtained. 63 V. c. 49, s. 30, ss. 2.

Finding nets to be evidence.

(2) The finding of any nets, fishing devices or other articles set or maintained in violation of this Act shall be *prima facie* evidence of the guilt of the person or persons 30 owning, possessing or operating the same. 63 V. c. 50, s. 32.

Possession, etc.

(3) In all actions and prosecutions under this Act the possession of guns, decoys or other implements of shooting or hunting in or near any place where any game has 35 been, or is likely to be found, shall be sufficient evidence *prima facie* that the person or persons in possession thereof, were hunting or shooting such game or of their intention so to do. 63 V. c. 49, s. 30, ss. 1.

Defendant a competent and compellable witness.

(4) On the trial of any complaint, proceeding, matter or 40 question under this Act, the person opposing or defending, or who is charged with any offence against or under any of the provisions of this Act, shall be competent and compellable to give evidence in or with respect to such 45 complaint, proceeding, matter or question, and on any such trial no person, witness or party shall be excused from an-

swering any question upon the ground that the answer to such question may tend to criminate him, or may tend to establish his liability to a civil proceeding at the instance of the Crown or any other person, provided, however, that
 5 no evidence so given shall be used or receivable in evidence against such person in any criminal proceeding thereafter instituted against him, other than a prosecution for perjury in giving such evidence. 63 V. c. 49, s. 30, ss. 4; 63 V. c. 50, s. 60.

10

PENALTIES.

64.—(1) Any person committing any offence under this Act in respect of deer, moose, elk, reindeer, caribou, beaver or otter shall be liable for each offence to a fine not exceeding \$100 and not less than \$20, together with the costs
 15 and any person committing any other offence against any of the provisions of this Act, shall be liable for each offence to a fine not exceeding \$50 and not less than \$5, together with the costs, and in default of immediate payment of any fine and costs imposed under this section the offender shall
 20 be imprisoned in the common gaol of the county where such conviction takes place for a period not exceeding three months. 63 V. c. 49, s. 29, ss. 1.

(2) Any person offending against any of the provisions of this Act who has been convicted of the same or any other
 25 offence against this Act within two years theretofore, shall be liable to a penalty of not less than double the minimum penalty hereinbefore provided for such second offence, and upon a third or any subsequent conviction at any time thereafter such person shall be liable to a penalty of not
 30 less than the maximum penalty hereinbefore provided. 63 V. c. 49, s. 29, ss. 4.

(3) Any person convicted of any offence under this Act shall, if such person be proved to have been masked or disguised and in possession of any gun or other fire-arm
 35 at the time such offence was committed, be liable to be imprisoned for a period not exceeding three months without the option of a fine, in addition to the penalty elsewhere provided for such offence. 63 V. c. 49, s. 29, ss. 2.

(4) A violation of this Act shall constitute a separate
 40 offence in respect of each and every game animal, bird and fish which is the subject thereof, though more than one violation of the same kind or a different kind and in respect of more than one game animal, bird or fish takes place at the same time or upon the same day. 63 V. c. 49, s. 29,
 45 ss. 3.

(5) No justice of the peace shall have any power to remit any penalty or to reduce the amount of penalties in case of conviction for more than one offence upon the same

prosecution, but in any case in which the aggregate penalties upon conviction for more than one offence committed at the same time or included in the same conviction shall amount to more than the sum of \$500, the Minister shall have power in his discretion to remit any part of the excess over said amount. 5

One half fine
to go to private
prosecutor.

(6) All fines imposed and collected in prosecutions under this Act in which overseers appointed under this Act are prosecutors, shall be paid to the Treasurer of the Province. 63 V. c. 49, s. 29, ss. 6. 10

Application
of fine.

(7) One-half of every fine imposed and collected under the provisions of this Act in which any other person acts as prosecutor, shall be paid to such prosecutor, or to the person on whose evidence the conviction is made, as the justice may determine, and the other one-half shall be paid to the Treasurer of the Province. 63 V. c. 49, s. 29, ss. 8: 15

Confiscation
of game, etc.

(8) All guns, ammunition, boats, skiffs, canoes, punts and vessels of every description, decoys, nets, rods, lines, tackle, and all appliances of every kind used for fishing and hunting, and all game and fish found in the possession of any person committing an offence against this Act or any regulation or in respect of which any such offence was committed, shall be confiscated upon seizure and, save as hereinafter provided, shall become the property of His Majesty and shall be forwarded to the Superintendent to be sold and the proceeds paid to the Treasurer of the Province. Except only that articles of which the use is at all times unlawful shall be destroyed on seizure and that perishable game and fish may in the discretion of the Overseer be immediately given to any charitable institution. 63 V. c. 49, s. 29, ss. 5; 63 V. c. 50, s. 65. 20 25 30

Confiscation of
packages, etc.

(9) Upon seizure of any game or fish illegally killed or possessed, or in respect of which any offence against this Act or any regulation has been committed, all packages, boxes, crates, parcels or other articles containing the same shall, together with all other contents thereof of every kind and description, be confiscated, and shall be deemed to be the property of the Crown, and shall be sold and the proceeds applied as provided in the next preceding subsection in the case of such illegal contents. 35 40

No right of
property in
game or fish
illegally
caught.

(10) No person committing any offence against this Act or any regulation shall have or acquire any right of property in game or fish caught or taken by him while committing such offence or in respect of which such offence was committed, but the same shall be forfeited and shall become the property of the owner, lessee or licensee, if any, in breach of whose rights such offence was committed; otherwise shall become the property of His Majesty. 45

(11) The penalties in the three preceding subsections provided as to confiscation and loss of property shall take effect upon seizure if any offence has been in fact committed notwithstanding that no conviction be had against the
 5 person actually committing such offence.

(12) All leases or licenses held by any person convicted of any offence against this Act or any regulation be deemed to be cancelled upon conviction without further action or notice given by any officer of the Game and Fisheries
 10 Branch. Repealing section.

65. *The Ontario Game Protection Act, The Ontario Fisheries Act, 1900*, and all amendments of the said Acts are hereby repealed.

SCHEDULE.

FORM A.

(Section 25.)

Deposition for a Search Warrant.

I, _____, undersigned _____ do hereby declare that I have reason to suspect, and do suspect, that game, furs or fish unlawfully killed or taken or possessed (*as the case may be*) are at present held and concealed (*describe the property, occupant, etc., and the place.*)

Wherefore, I pray that a warrant may be granted and given to me to effect the necessary searches (*describe here the property, etc., as above*).

Sworn before me at _____ this _____ day
 of _____ A.D. 1 _____ X. Y.

L. B.,
 J. P.

63 V. c. 49.

FORM B.

(Section 25.)

Search Warrant.

Province of Ontario,

County of _____

To each and every the constables of _____, County of _____

Whereas _____ has this day declared, under oath, before me, the undersigned, that he has reason to suspect that (*furs or fish unlawfully taken or possessed, as the case may be*) are at present held and concealed (*describe property, occupant, place, etc.*).

Therefore you are commanded by these presents, in the name of His Majesty, to assist the said _____, and to diligently help him to make the necessary searches to find the (*state the game, furs or fish unlawfully taken or possessed, etc.*) which he has reason to suspect, and does suspect, to be held and concealed in (*describe the property, etc., as above*), and to deliver, if need there be, the said game, etc., (*as the case may be*) to the said _____ to be by him brought before me, or before any other magistrate, to be dealt with according to law.

Given under my hand and seal at _____ county of
 this _____ day of _____, A.D. 1 _____

L. B.,
 J. P.

[L.S.]

No. 137.

3rd Session, 11th Legislature,
7 Edward VII., 1907.

BILL.

An Act respecting Game, Fur bearing
Animals and Fisheries of Ontario.

First Reading, 27th February, 1907.

Mr. REAUME.

TORONTO:

PRINTED BY L. K. CAMERON,

Printer to the King's Most Excellent Majesty.

No. 137.

BILL.

1907.

An Act respecting the Game, Fur-bearing Animals
and Fisheries of Ontario.

PART I.	Interpretation and General Provisions
PART II.	Game
PART III.	Fish
PART IV.	Possession—Sale—Transportation
PART V.	Licenses
PART VI.	Administration
PART VII.	Procedure—Evidence—Penalties

BILL.

An Act respecting the Game, Fur-bearing Animals
and Fisheries of Ontario.

HIS MAJESTY, by and with the advice and consent
of the Legislative Assembly of the Province of On-
tario, enacts as follows:—

PART I.

INTERPRETATION AND GENERAL PROVISIONS.

1. This Act may be cited as *The Ontario Game and Fisheries Act*. 63 V. c. 49, s. 1; 63 V. c. 50, s. 1. Short title.

2. This Act and all regulations made thereunder shall apply to all game, hunting, shooting, fish, fisheries, fish-
ing, and all rights and matters relating thereto, in respect Application of Act.

of which the Legislature of Ontario has authority to legislate, but shall not authorize or be deemed to authorize any interference with the navigation of any navigable waters. 63 V. c. 50, s. 2. (*Amended.*)

- Interpretation. 3. When the following expressions occur in this Act, and in any regulations made thereunder, they shall be construed in the manner hereinafter mentioned unless a contrary intention appears:—
- Angling. (1) Angling shall mean the taking of fish with hook and line held in the hand, or with hook and line and rod, the latter held in the hand, and shall not include set lines.
- "Bass." (2) "Bass" shall mean and include the species ordinarily known and described as "large-mouthed bass" and "small-mouthed bass."
- "Close Season."
"Open Season." (3) "Close season" shall mean the period in which any species of game or fish is protected, and "open season" shall mean the period in which any species of game or fish is permitted to be hunted, taken, killed, sold or possessed, by this Act or any regulation made thereunder, or by the laws and regulations of the Dominion of Canada.
- "Fishery." (4) "Fishery" shall mean and include the stretch of water, locality, premises, place or station described in any regulation, lease or license and in or from which fish are to be taken, and also all nets, plant and appliances used in connection therewith.
- "Game." (5) "Game" shall mean and include all or any animals and birds protected by this Act or by any regulation made thereunder, and the head, skin, or any part of such animals and birds.
- "Lease." (6) "Lease" shall mean an instrument issued under the authority of this Act and of regulations made thereunder, conferring upon the lessee therein named, for purposes of fishing, the rights therein mentioned, subject to the conditions, restrictions and limitations therein and in the said Act and regulations contained.
- "License." (7) "License" shall mean an instrument issued under the authority of this Act and of regulations made thereunder, conferring upon the licensee therein named the right, permission, and license to do such things, subject to such conditions, restrictions and limitations as are therein and in this Act and any regulations contained, provided that no license shall be deemed to be or to operate as a demise or lease.
- "Minister." (8) "Minister" shall mean the member of the Executive Council for the time being charged with the administration of this Act.

(9) "Overseer" shall mean and include a game and fish-^{"Overseer."}
ery overseer and any officer or person authorized to assist
in the enforcement of this Act and of regulations made
thereunder.

(10) "Regulation" shall mean a regulation made by the^{"Regulation."}
Lieutenant-Governor in Council under the authority of
this Act.

(11) "Superintendent" shall mean the chief officer in<sup>"Superinten-
dent."</sup>
charge of the Game and Fisheries Branch of the Depart-
ment of the public service.

4.—(1) The Lieutenant-Governor in Council may make^{Regulations.}
regulations:

(a) For making, keeping, searching for, obtaining^{(General Power.}
and taking over all archives, records, books, re-
gulations, orders in council, documents and ac-
counts heretofore in the custody of the Govern-
ment of the Dominion of Canada or of the Gov-
ernment of this Province or otherwise existing,
or which may hereafter be recorded or accumu-
late, in any way relating to the game or fisher-
ies of the Province. 63 V. c. 50, s. 29.

(b) Providing that all or any persons holding any<sup>Records, Re-
ports and
Returns.</sup>
lease or license issued under this Act, and all
fish companies and fish dealers, shall keep such
records and make such reports and returns as
may be deemed necessary or expedient. 63 V.
c. 50, ss. 9, 33; 1 Ed. VII., c. 37, s. 37, ss. 2.

(c) Containing such further and other provisions as<sup>Other pro-
visions.</sup>
may be necessary or desirable for the admini-
stration and enforcement of this Act and of any
regulation made thereunder as hereinafter more
particularly authorized.

(2) All regulations may be from time to time amended<sup>Amendment
and repeal.</sup>
and repealed by the Lieutenant-Governor in Council and
shall be read herewith and shall for all purposes be deem-
ed to be a part hereof and to have the same force and effect
as if herein contained. 1 Ed. VII., c. 37, s. 3.

(3) All regulations shall come into force upon publica-^{Promulgation.}
tion thereof in the *Ontario Gazette*, or upon such later
date as may be therein stated, and a copy of the *Ontario
Gazette* containing any regulations shall be admitted in
all courts as sufficient evidence thereof. 63 V. c. 49, s. 33;
63 V. c. 50, s. 11; 1 Ed. VII., c. 37, s. 3.

5. (1) The administration of this Act and of all mat-<sup>Administra-
tion.</sup>
ters relating to fish and game in the Province, shall be

under the control and direction of the Minister and shall constitute a branch of the public service to be known as the Game and Fisheries Branch. 63 V. c. 50, s. 4. (*Amended.*)

Remuneration
of officers, etc.

(2) The remuneration of all officers of the Game and Fisheries Branch and of all other persons employed to perform any duty in connection therewith, or to assist in the enforcement of this Act and of all regulations, and all expenses incident to the due enforcement thereof, shall be paid out of such moneys as may be appropriated for that purpose by the Legislature. 63 V. c. 49, ss. 22, 23; 63 V. c. 50, ss. 4, 8.

Board of Game
Commissioners
abolished.

(3) The Board of Game Commissioners of the Province of Ontario is hereby abolished.

Exclusive
right to fish in
navigable
waters only by
express grant
thereof.

6. The grant by patent, legal construction or implication of the bed of any navigable water, or of any lake or river in Ontario, whether such patent has been issued before or after the passing of this Act, shall not, unless such exclusive right of fishing is expressly granted by such patent, be deemed to carry or include the exclusive right of fishing in the navigable waters which cover or flow over the land so granted, any statute, law, usage or custom to the contrary notwithstanding. R.S.O. 1897, c. 288, s. 9.

License fees,
fines, etc., to be
paid to pro-
vincial
treasurer.

7. Save as otherwise provided by this Act, all rentals, license fees, fines, penalties, proceeds of sales of articles confiscated, and other receipts, fees, revenue and payments payable under the provisions of this Act or of any regulation, or under the terms of any lease, license or other instrument therein authorized, shall be payable to the Treasurer of the Province. 63 V. c. 49, s. 29, ss. 6.

INDIANS AND SETTLERS.

Indian Treaty
rights.

8. Nothing herein contained shall be construed to affect any right specially reserved to or conferred upon Indians by any treaty or regulations in that behalf made by the Government of the Dominion of Canada with reference to hunting on their reserves or hunting grounds, or in any territory especially set apart for the purpose; nor shall anything in this Act contained apply to Indians hunting in any portion of the provincial territory as to which their claims have not been surrendered or extinguished. 63 V. c. 49, s. 32, ss. 1.

PART II.

GAME.

Regulations.

9. The Lieutenant-Governor in Council may make regulations:

- (a) Forbidding for a period of not more than three years at a time the hunting, shooting and sale *in any part of the Province* of any non-migratory game which may appear or require further protection than is afforded by this Act. 63 V. c. 49, s. 7, ss. 3; 5 Edw. VII., c 33, ss. 1-2. Protection of non-migratory birds in certain cases.
- (b) Forbidding the hunting, shooting or sale of any migratory game which may at any time be in danger of extinction, for the same period and in the same manner as the same is at any time forbidden in any two or more of the United States of America, one of such states being New York, Pennsylvania, or Michigan. 63 V. c. 49, s. 7, ss. 2. Protection of migratory birds in certain cases.
- (c) Varying the close seasons for that portion of the territory of the Province lying north and west of French River, Lake Nipissing and Mataw River, or any part of the said territory. 63 V. c. 49, s. 7, ss. 1. Varying close seasons in certain outlying districts.
- (d) Forbidding or regulating the possession of guns, rifles or other firearms in any part of the Province in which it may appear that it is desirable to take special means to prevent violations of this Act. Forbidding the possession of guns.
- (e) Forbidding guides or persons assisting hunters or hunting parties from acting as guides except under the authority of a license. Licensing guides.
- (f) Requiring non-resident holders of hunting licenses to employ licensed guides while hunting deer, moose or caribou. Employment of licensed guides.
- (g) Designating certain counties or portions of counties in the Province in which it shall be unlawful to hunt, take, pursue, kill, wound or destroy any deer at any time of the year, subject to such reservation in favour of the residents or settlers in such counties as may be deemed reasonable. 63 V. c. 49, s. 18. Crown game preserves.
- (h) Encouraging the propagation of game by authorizing any person owning game and having the same on his property to sell or dispose of such game at any time for propagation or stocking purposes. 63 V. c. 49, s. 19, (2). Sale for breeding purposes.
- (i) Regulating the shooting, hunting, taking or killing of any game protected by the provisions of this Act, within two miles of Rondeau Park or within Rondeau harbour. 63 V. c. 49, s. 17, ss. 3. Shooting or hunting within two miles of Rondeau Park.

Exempting
Indians or
farmers from
provisions of
Act.

- (j) Exempting Indians or actual *bona fide* farmers in the northern and northwesterly or other sparsely settled portions of the Province, whether the same be organized or unorganized, from any of the provisions of this Act, which may be specified in such Order in Council; provided that no farmer shall hunt, take, kill or have in his possession any moose, reindeer or caribou except in any year when the same may be lawfully killed according to the provisions of this Act. 63 V. c. 49, s. 32, ss. 2.

Non-residents

10. *No person not a British subject and no person not residing and domiciled in the Province of Ontario shall hunt, take, kill, wound or destroy any game, or carry or use any gun or rifle in the Province except under the authority of a license.* 63 V. c. 49, s. 3, subsec. 1. (*Amended.*)

OPEN SEASONS.

Game birds, etc.

11.—(1) No person may hunt, take, kill or destroy—

Open season for
deer, moose,
etc.

(a) Any deer, moose, reindeer, or caribou except from the 6th day of November to the 20th day of November in any year, both days inclusive.

Grouse, etc.

(b) Any grouse, pheasants, prairie fowl, partridge or wood-cock, except from the 15th day of September, to the 15th day of December in any year, both days inclusive. 63 V. c. 49, s. 4, ss. 4a; 5 Edw. VII. c. 33, s. 8.

Quail and
wild turkeys,
black and
grey squirrels.

(c) Any quail or wild turkeys, black and grey squirrels, except from the 1st day of November, to the 1st day of December in any year, both days inclusive. 2 Edw. VII., c. 39, s. 2 (b).

Swans and
geese.

(d) Any swans or geese except from the 15th day of September to the 30th day of April in the following year, both days inclusive.

Ducks and
other water-
fowl.

(e) Duck of all kinds or any other water fowl except from the 1st day of September to the 31st day of December in any year, both days inclusive.

Snipe, rail,
plover, etc.

(f) Snipe, rail, plover or any other birds known as shore birds or waders, except from the 1st day of September to the 15th day of December in any year, both days inclusive.

Capercailzie.

(g) Capercailzie, except from the 15th day of September to the 15th day of December in any year, both days inclusive, but no capercailzie to be

hunted, taken or killed before the 15th day of September, 1909. 4 Edw. VII., c. 28, s. 2.

(h) Hares, except from the 1st day of October to the 31st day of December in any year, both days inclusive. 5 Edw. VII., c. 33, s. 9. Hares.

(2) Notwithstanding anything in this Act, the wood-hare or cotton-tail rabbit may be taken or killed in any manner by the owner, occupant or lessee of any land upon which it can be proved to cause actual damage to trees and shrubs, or by any member of the family of such owner, occupant or lessee, or by any person holding a written license or permit to shoot from such owner, occupant or lessee. 2 Edw. VII., c. 39, s. 3. Cotton-tail rabbits.

(3) Notwithstanding anything in this Act contained, persons who have heretofore put, bred or imported, or who shall hereafter put, breed or import deer upon their own lands with the desire to breed and preserve the same, and the licensees of any such person may hunt, take or kill any such deer from the 1st day of October to the 15th day of November in any year, both days inclusive, but the onus of proof that such deer were so put, bred or imported shall rest on the person hunting or killing the same. 63 c. 49, s. 4; 2 Edw. VII., c. 39, s. 4. Special provision as to shooting deer put or bred by any person on his lands.

BEAVER, OTTER, MUSKRATS, ETC.

12. (1) No beaver or otter shall be hunted, taken or killed or had in possession by any person before the 1st day of November, 1910, and thereafter no beaver or otter shall be hunted, taken or killed, or had in possession of any person between the 1st day of April and the 1st day of November, nor shall any traps, snares, gins or other contrivances be set for them during such period. 5 Edw. VII. c. 33, s. 2. Beaver and otter.

(2) No muskrat shall be hunted, taken or killed or had in possession of any person between the 1st day of May and the 1st day of December of the following year, nor shall any traps, snares, gins or other contrivances be set for them during such period; and any such traps, snares, gins or other contrivances so set may be destroyed by any person without such person thereby incurring any liability therefor. This shall apply to Indians in respect of private or leased land. Muskrat.

(3) No muskrat shall be shot during the month of April; nor shall any muskrat house be cut, speared, broken or destroyed at any time. Muskrat houses, etc.

(4) Nothing in this Act shall apply to any person destroying any of the said animals in defence or preservation When destruction of muskrats lawful.

of his property nor shall be held to prevent the destruction of the muskrats by any means, at any time, in the vicinity of dams, or drainage embankments where there is a probability of injury being caused by them to the said dams or drainage embankments. 63 V. c. 49, s. 5, ss. 4.

Provided that the onus of proof shall be on the person destroying any such animals.

SUNDAY.

Hunting on
Lord's day

13. No person shall, on the Lord's Day, hunt, take, kill or destroy any game, or use any gun or other engine for that purpose. 63 V. c. 49, s. 6.

DEER.

License
necessary for
hunting deer.

14.—(1) No person shall hunt, take, kill, wound or destroy any deer, moose, reindeer, or caribou except under the authority of a license.

Cow moose,
fawns, etc., not
to be killed.

(2) No person shall at any time hunt, kill or take any cow moose, or young deer, moose, reindeer or caribou under the age of one year. 63 V. c. 49, s. 8, ss. 2.

Number of
deer, etc.,
which may be
killed.

(3) No person shall during any one year or season kill or take more in all than two deer, one bull, moose or one bull reindeer or caribou; provided that this shall not apply in the case of deer which are the private property of any person, and which have been killed or taken by such person or by his direction, or with his consent, in or upon his own lands or premises; provided always that two or more persons hunting together, and holding licenses as hereinafter provided, may kill an aggregate of not more than two deer for each member of the party.

Hounds.

(4) No owner of any hound, or other dog, known by the owner to be accustomed to pursue deer, shall permit any such hound or dog to run at large in any locality where deer are usually found, during the close season for deer. Any person harboring or claiming to be the owner of such hound or dog shall be deemed to be the owner thereof; and any hound or dog found running deer during the close season shall be deemed to be at large with the permission of the owner thereof, and may be killed on sight by any person, who shall not be liable to any penalty or damage therefor. 63 V. c. 49, s. 8, ss. 6.

WATER FOWL.

Hunting ducks
etc., from
sailboats.

15.—(1) No wild ducks, geese or other water fowl shall be hunted, taken or killed from sail boats, yachts or launches propelled by steam or other power. 63 V. c. 49, s. 9, ss. 1.

(2) No swivel gun, or guns of any kind of a larger bore or gauge than 8, and none of the contrivances for taking or killing wild swans, geese or ducks, which are described or known as sunken punts or batteries, shall be used at any time. 63 Vic. 49, s. 9, ss. 2. Illegal contrivances.

(3) No blinds or decoys for use in hunting duck or other water fowl shall be placed at a greater distance than two hundred yards from the shore or a natural rush bed thick enough to conceal a boat. Blinds or decoys.

POISONS, TRAPS AND CONTRIVANCES.

16.—(1) No person shall kill or take any game by the use of poison, or poisonous substances, or expose poison, poisoned bait or other poisoned substances, in any place or locality where any game or any dogs or cattle may usually have access to the same. 63 V. c. 49, s. 10, ss. 1. Poisons, use of, prohibited.

(2) None of the said hereinbefore mentioned animals or birds other than those mentioned in section 12, shall be trapped or taken by means of traps, nets, snares, gins, baited lines or other similar contrivances, nor shall such traps, nets, snares, gins, baited lines or contrivances be set for them or any of them, at any time; and such traps, nets, snares, gins, baited lines or contrivances may be destroyed by any person without incurring any liability therefor, if he finds them so set. 63 V. c. 49, s. 10, ss. 2. Trapping, snaring, etc.

17. No person shall discharge any gun or other fire-arm at any game between half an hour after sunset and half an hour before sunrise, according to the times given for sunset and sunrise in the publication known as the Canadian Almanac. 63 V. c. 49, s. 11. Shooting at night.

SHOOTING FOR HIRE FORBIDDEN.

18. No person shall for hire, gain or hope of reward, hunt, kill or shoot any game, or employ, hire or for valuable consideration induce any other person so to do. Provided that this shall not be held to apply to the *bona fide* employment of any person as guide to accompany any person lawfully hunting or shooting in this Province. 63 V. c. 49, s. 12. Hired hunters.

EGGS.

19. No eggs of any game bird shall be taken, destroyed or had in possession by any person at any time. 63 V. c. 49, s. 13. Eggs not to be taken.

MASKS AND DISGUISES.

Masked or armed persons in neighborhood of preserves.

20. Any person being masked or disguised and carrying or having in his possession any gun or other fire-arm near any preserve or shooting ground (or, in close season, near any place where game is usually found), shall be guilty of an offence under this Act. 63 V. c. 49, s. 14.

AUTOMATIC GUNS.

Automatic guns prohibited.

21. No gun of the description known as "automatic" in which the recoil is utilized to reload the gun, shall be used in this Province *in the killing of game*.

Persons employed in construction of a railway or public work not to carry guns.

22. No person employed in connection with the construction of any railway or Public Work or *any lumber or bark camp* in this Province shall carry or have in possession in the vicinity of such railway or other work, any gun, rifle or other fire-arm except as may be authorized by special license, which special license may be subject to such terms as the Lieutenant-Governor in Council may direct, and the ordinary hunting license provided for in this Act shall not be deemed to be a license under this section.

PRESERVES.

Killing game birds in Rondeau Park.

23.—(1) No person shall at any time shoot, hunt, take or kill any partridge, prairie fowl, quail, woodcock, snipe, wild turkey or other bird or fowl whatsoever within the boundaries of the Rondeau Provincial Park; nor shall any one shoot, hunt, trap, take or kill any wild bird or animal in the said park, except foxes, skunks, weasels, owls, hawks or other noxious birds or animals, and then only with the consent and authority of the ranger of the said park in writing first had and obtained.

Wild fowl may be taken near Rondeau Park.

(2) The preceding subsection shall not prevent or apply to the shooting or taking of wild duck or geese in the waters around and along the coasts of the said park during the lawful season. 63 V. c. 49, s. 17, ss. 1, 2.

PRIVATE PRESERVES—PROPAGATION FOR STOCKING PURPOSES.

Protection of private preserves.

24.—(1) In order to encourage persons who have heretofore put, bred or imported, or may hereafter put, breed or import any kind of game upon their own lands with the desire to breed and preserve the same, it is enacted that it shall not be lawful for any person knowing it to be such game, to hunt, shoot, kill or destroy any such game without the consent of the owner of the lands upon which such game has been heretofore or is hereafter so put, bred or

imported; provided that this subsection shall not be held to prevent any person from shooting, hunting, taking or killing upon his own lands, or upon any lands over which he has a legal right to shoot or hunt any game which he does not know, or has not good reason to believe had been theretofore put, bred or imported by some other person upon his own lands with the desire to breed and preserve the same. 63 V. c. 49, s. 19, ss. 1. Provido.

TRESPASS IN PURSUIT OF GAME.

25.—(1) No person shall, at any time, enter into any growing or standing grain not his own with sporting implements about his person, nor permit his dog or dogs to enter into such growing or standing grain without the permission of the owner or occupant thereof, and no person shall at any time hunt, shoot, or with a gun or other sporting implement about his person or in his possession go upon any enclosed land of another after having had notice not to hunt or shoot thereon; and any person who, without the right to do so, hunts or shoots, or with a gun or other sporting implement about his person or in his possession goes upon any enclosed land of another after having had notice not to hunt or shoot thereon, shall be deemed guilty of a violation of this Act. Entering on lands after notice not to do so.

(2) Any owner or occupant of land may give such notice: Notice to trespassers, how given.

(a) Verbally or in writing; or

(b) By maintaining sign boards at least one foot square, containing such notice in the following form, or to the like effect: "*Hunting or shooting on these lands forbidden*" on or near the boundary of the land intended to be protected; at such distance as will permit of every sign board being clearly visible from the sign board on either side; or

(c) By maintaining such sign boards on or near the boundary of such land, or upon or near the shores of any water covering the same, or any part thereof, to the number of two for each *forty* acres thereof.

(3) Any person who, without authority in that behalf, puts up, or causes to be put up, any such notice on any lands of which he is not the owner, or in the possession of which he is not legally entitled to, or who tears down, removes, injures, defaces, or interferes with any such notice, shall be deemed guilty of a violation of this Act. Unauthorized putting up or interfering notices illegal.

(4) Nothing in this section contained shall be so construed as to limit or in any way affect the remedy at common law of any such owner or occupant for trespass. Common law rights preserved.

Marsh lands.

(5) For the purposes of this section, land, the boundary or any part of the boundary of which is a water line or line between land and water, or passes through a marsh or swamp, or any land covered with water, or any land without sufficient trees or obstructions to prevent any post hereinafter mentioned being clearly visible from the nearest post on either side thereof, shall be deemed to be enclosed, if posts are put up and maintained on the boundary thereof, or on the boundary of the part thereof sought to be enclosed, at distances which will permit of every post being clearly visible from the nearest post on either side thereof, and so placed that the boundaries will be sufficiently indicated by such posts. 63 V. c. 49, s. 20.

PART III.

FISH.

Government regulation.

26. The Lieutenant-Governor in Council may make regulations:—

Issue of leases.

(a) Providing for the issue of leases of Crown lands, with such fishing rights thereto pertaining, at such rentals, and on such terms and conditions as may be deemed expedient. 63 V. c. 50, ss. 12, 15, 16; 1 Edw. VII. c. 37, s. 3, 4, 6.

Forbidding fishing except under license.

(b) Forbidding fishing in any waters within the Province except under the authority of a license to be issued on the terms and conditions by the regulations provided. 1 Edw. VII. c. 37, s. 3.

Wasteful and destructive fishing.

(c) Preventing the destruction of fish and improper, wasteful and excessive taking thereof. 1. Edw. VII. c. 37, s. 3.

Number and weight of fish.

(d) Regulating the number, size and weight of any species of fish that may be caught, possessed, purchased or sold. 63 V. c. 50, s. 29.

Frogs.

(e) Regulating the taking of frogs and setting apart any suitable provincial waters for the cultivation and propagation of frogs. 63 V. c. 50, s. 43.

Non-residents not to fish without license.

(f) Except under the authority of a license no person not residing and domiciled in the Province of Ontario shall angle in the waters of the Province.

27. Except under the authority of a license, no **sturgeon** shall be caught, taken or killed by any means whatever. 1 Edw. VII. c. 37, s. 14. Sturgeon.

28. Except as authorized by special license, no fish or spawn shall be taken in any manner or at any time from provincial waters for the purpose of stocking, artificial breeding, or for scientific purposes. 1 Edw. VII. c. 37, s. 8. Taking spawn etc., for breeding purposes.

29.—(1) Except under the authority of a license, no one shall fish in the waters of Lake Nepigon in the District of Thunder Bay, in the River Nepigon in the same District, nor in any tributaries of the said lake or river. 63 V. c. 50, s. 51, ss. 1; 1 Edw. VII. c. 37, s. 17, ss. 1. Regulations as to Nepigon waters.

(2) This section and the conditions applicable to licenses authorizing such fishing shall apply to Indians as well as to all other guides, boatmen, canoemen, camp assistants or helpers of any kind of any fishing party or persons who may hold any such license. 63 V. c. 50, s. 52. Indian and other guides.

30. The Superintendent may authorize to be set apart, and to be leased, any waters for the natural or artificial propagation of fish; and any person who wilfully destroys or injures any place so set apart, or used, for the propagation of fish therein, without written permission from an overseer or from the lessee or licensee thereof, or uses therein a fishing light, or other like implement for fishing or fishes therein, during the period for which the waters are so set apart, shall be guilty of a violation of this Act. 63 V. c. 50, s. 27. Provisions as to setting apart of waters for natural or artificial propagation of fish.

31. All nets shall have the name of the owner or owners legibly marked on two pieces of metal or wood attached to the same; and such mark shall be preserved on such nets during the fishing season, in such a manner as to be visible without taking up the net or nets; and any net used without such mark shall be liable to confiscation. 63 V. c. 50, s. 35. Nets to be marked with name of owners.

32. Every proprietor, owner, agent, tenant, occupant, partner or person actually in charge of any fishery, either as occupant or servant, shall be jointly and severally liable for any penalties or moneys recoverable under any of the provisions of this Act or any regulations made thereunder. Liability for penalties.

33. No lessee shall have the right to sub-let, transfer or assign any right, interest or privilege granted or conferred upon him under the provisions of this Act without first having obtained the written consent of the Superintendent. 63 V. c. 50, s. 17. Transfer of lease.

Lessee not
entitled to
compensation
in case of
deficiency.

34. If, in consequence of any incorrectness of survey, or other error or cause whatsoever, a lease comprises lands included in a lease of a prior date, the lease last granted shall be void in so far as it interferes or purports to interfere with that previously issued, but the lessee shall have no claim for indemnity or compensation on account thereof. 63 V. c. 50, s. 18.

Rights of
passage.

35. Every lease shall be deemed to have been made and granted subject to the right of passage to and from any water in favour of the occupants (if any), under title from the crown, of the lands in rear of those included in the lease, whether so expressed therein or not. 63 V. c. 50, s. 19.

Disputes,
adjustment of.

36. Disputes between persons relative to fishing limits or claims to fishery locations or stations in provincial waters or relative to the position and use of nets and other fishing apparatus in provincial waters, shall be settled by the local overseer, subject to appeal to the Superintendent. 63 V. c. 50, s. 36; 1 Edw. VII. c. 37, s. 10.

Rights of
lessee against
trespasser.

37.—(1) A lease shall, as against trespassers, entitle the lessee to all the rights of an owner in fee simple of the land and premises described therein.

Liability of
trespassers.

(2) Every person not authorized by law so to do, who enters upon or passes over any fishery, or any land or premises described in any lease, without permission of the lessee or his representative, shall be deemed a trespasser, and shall be liable to all the penalties by law provided, and to pay all damages which any lessee or owner may be entitled to recover, and shall in addition be guilty of a violation of this Act.

Rights of
holders of
timber license,
navigation,
etc.

(3) This section shall not apply to any person entering upon or passing over such lands in discharge of any duty imposed by law, nor, when the lands are included in a timber license, to the holder thereof, who shall at all times have the right to cut and take away all trees, timber and lumber within the limits of his license; nor to prevent the owners or occupiers of land bordering on any waters using a general right of passage to and from such waters, nor to prevent the public use of any waters or the banks thereof either for the conveyance of timber and lumber of any kind, or for the free navigation thereof by vessels, boats or other craft; nor to any user under license by the Crown of any such lands or waters for any purpose or occupation not inconsistent with the provisions of this Act. 63 V. c. 50, ss. 24, 25.

Fishing within
limits of
fisheries or
preserves
prohibited.

38. Every person shall be guilty of an offence against this Act who, without permission of the owner, lessee or

proprietor of the right of fishing, fishes, or employs or induces any other person to fish, or assist in fishing, in any fishery or in any lake, pond, stream or water in which fish are lawfully preserved, cultivated, owned and maintained, or shall remove or carry away, or employ or induce or assist any other person to remove or carry away any fish in any such fishery or waters, and any net, article, apparatus or appliance used contrary to the provisions of this section, may be seized on view by any overseer or by the lessee, owner or proprietor, to be afterwards dealt with according to law; provided always, that the occupation of any fishing grounds or waters leased for the express purpose of net fishing, shall not interfere with, nor prevent, angling for other purposes than those of sale or traffic. 63 V. c. 50, s. 26.

PART IV.

POSSESSION—SALE—TRANSPORTATION.

39. The Lieutenant-Governor in Council may make regulations:—

- (a) Prohibiting or regulating the purchase and sale of, or traffic in, snipe, quail, woodcock, part-
ridge, speckled trout, bass and maskinonge. 5
Edw. VII. c. 33, s. 3. Sale of snipe, quail, woodcock and partridge.
- (b) Authorizing and regulating the sale of game im-
ported into the Province of Ontario and law-
fully hunted, killed or procured according to
the law of the province, state or country where
the same was killed or procured. Sale of imported game if lawfully procured.
- (c) Prohibiting the possession, purchase, sale and
transportation of any species of fish in close
season. 63 V. c. 50, s. 14. Possession, etc., of fish in close season.

40.—(1) No person shall have in his possession, or in the possession of any servant, agent or other person on his behalf, any game, no matter where killed or procured, during the close season therefor, or any fish in close season contrary to the prohibition of any law, or regulation except as in this subsection expressly provided and excepted, that is to say:—

- (a) Game lawfully killed or procured may be kept during the period between the end of the open

season in any year and the first day of January in the following year;

- (b) Skins of moose, deer, cariboo and fur-bearing animals may be had in possession during close season under the authority of a license issued not later than ten days after the end of the open season, and specifying the number and description of such skins. 63 V. c. 49, s. 15, ss. 1; 5 Edw. VII. c. 33, s. 4.

Cold storage in open season.

- (2) Except as expressly authorized by license, no person other than the actual owner, for the use of himself and family, shall keep game in cold storage during the season in which the same may be lawfully possessed as aforesaid.

Purchase and sale of game.

Selling without license.

Provisoos.

- 41.—(1) Except as expressly authorized by license, and as in this section expressly provided, no person shall, by himself, his servant, clerk or agent, buy, sell or expose or keep for sale, or directly or indirectly, on any pretense or device, for any valuable consideration, barter, give or obtain, to or from any other person, any game, no matter where killed or procured; Provided that the person who has actually and lawfully hunted, taken and killed any game may sell the same, or any part thereof, during the open season therefor. Provided also that it shall be lawful to buy from such person, or from the holder of a game dealer's license, any game which such person or licensee is at the time of sale authorized to sell under the provisions of this Act. 63 V. c. 49, s. 15, ss. 2.

Supplying game at meals

- (2) Except as expressly authorized by license, no hotel, restaurant or club shall supply for or as a part of any meal for which a charge is made, any game, no matter where killed or procured, during the close season therefor, or any fish contrary to the prohibition of any law or regulation. 63 V. c. 49, s. 15, ss. 3.

- (3) It shall be an additional offence against this Act, punishable by a penalty of not less than the maximum penalty which would be otherwise applicable, to unlawfully supply at any hotel, restaurant or club, for, or as part of, a meal, any game or fish under any pretended name, or under the designation of anything which might at the time be lawfully supplied.

Inspection to be facilitated by lessees and licensees.

42. Every express company and common carrier, every person or corporation engaged in the business of cold storage, every person or corporation engaged in the business of purveying or dealing in game or fish, every person or corporation engaged in the business of lumbering, or in

charge of any camp near any fishery or near any place in which game is usually found, every person fishing or in charge of any fishery, and every person or corporation holding any lease or license, shall, upon request, permit any inspector, warden, overseer or other officer to enter and inspect any car, building, premises or enclosure, and to open any receptacle for the purpose of examining all game and fish taken and all implements and appliances for hunting and fishing and for the purpose of searching for game or fish illegally killed or procured, and to inspect any books, invoices, or documents containing any entries or memoranda relating to game or fish illegally killed or possessed, and shall afford any such officer who may make any such request all reasonable facilities for any such search, and in case of refusal and such officer shall have power, without a search warrant, to break such locks and fastenings as may be necessary in order to make such examination, using no more force than necessary for such purpose. 63 V. c. 49, s. 16, ss. 6; 63 V. c. 50, s. 30.

43.—(1) No railway or express company, or other common carrier, and no other person whatever shall transport or receive, or have in possession for any purpose in this Province any deer, moose, elk, reindeer or caribou, or any head, skin or other part thereof unless there is attached thereto one of the shipping coupons belonging to a license authorizing the shipper to hunt or kill the same, together with an affidavit of the shipper (if required) that the same was legally hunted or taken. 63 V. c. 49, s. 16, ss. 1.

Transporting deer, moose, etc. without shipping coupons.

(2) No railway or express company, or other common carrier, and no other person whatever, shall transport or receive or have in possession for that purpose in this Province any game during the close season therefor, or in open season after the date of expiry of the shipping coupon attached thereto, unless there be attached thereto (in addition to a shipping coupon if required) an affidavit of the shipper that the same was lawfully hunted and taken. 63 V. c. 49, s. 16, ss. 2.

Game in close season

Affidavit necessary.

(3) The two proceeding subsections shall not apply to prevent the transportation of any game if accompanied by an affidavit that the same was lawfully killed in some other Province or district of the Dominion of Canada, according to the law of such Province or district. 63 V. c. 49, s. 16, ss. 3; 5 Edw. VII., c. 33, s. 5.

Game killed in other provinces.

(4) No common carrier or other person shall ship or transport out of this Province or shall receive or have in possession for the purpose of shipping or transporting out of this Province, any salmon trout, lake trout or white fish weighing less than two pounds undressed taken or caught in Provincial waters. 63 V. c. 50, s. 39.

Weight of fish not to be transported.

Transporting
fish illegally
caught.

(5) No common carrier or other person shall receive or have in his possession or shall ship or transport to any point or place any fish caught or killed within this Province at a time or in a manner prohibited by law. 63 V. c. 50, s. 40.

Particulars
to be marked
on parcels of
fish or game.

44. All receptacles, including bags, boxes, baskets, crates, packages and parcels of every kind in which game or fish is packed for transportation, shall be so constructed as to show the contents thereof, or shall be marked with the description of the contents, and in either case shall be marked or labelled with the names and addresses of the consignee and consignor; and in case of failure to comply with the provisions of this section, the owner, consignor and person actually shipping and claiming such receptacles shall be deemed guilty of an offence against this section. 63 V. c. 49, s. 16, ss. 7; 63 V. c. 50, s. 42.

Exporting
deer, etc. by
holders of non-
resident
license.

45.—(1) Any non-resident who may at any time be entitled to hunt or shoot within the Province of Ontario by virtue of a license under this Act, shall, so far as the authority of the Legislature of the Province of Ontario extends, be at liberty to export out of the Province in any one open season game actually and lawfully killed by him, as follows: one bull moose, reindeer or caribou, two deer, 100 duck; but a shipping coupon attached to such license shall be attached to every such deer and to every receptacle containing such other game, and such person must, if required by any overseer, make a statutory declaration of the fact that such game has been lawfully killed by him. 63 V. c. 49, s. 16, ss. 4.

(2) Except as aforesaid, no person shall at any time export from the Province of Ontario, or with such intent hunt, take or kill any game, except any deer, moose, elk, reindeer or caribou which are not wild but which are the private property of any person and have been killed or taken by such person or by his consent or direction in and upon his own lands and premises. 63 V. c. 49, s. 16, ss. 5.

PART V.

LICENSES.

Regulations.

46. The Lieutenant-Governor in Council may make regulations:

Terms of
license.

(a) Governing the issue of licenses and (subject to the provisions of this Act) establishing the terms and conditions thereof, the period for which the same shall issue, and the fees payable in respect thereof. 63 V. c. 49, s. 24, ss. 2.

- (b) Increasing the fee payable for non-resident hunting license *as to deer, moose and caribou* to \$50. Fees.
- (c) Granting without fee a special license to enable a guest of a resident of the Province to hunt and shoot therein for a term not exceeding one week. 63 V. c. 49, s. 3, ss. 2. Special license to guest of resident.
- (d) Reducing the fee for non-resident hunting license to residents of other provinces of the Dominion of Canada by providing that such licenses may issue upon the same terms and conditions as residents of Ontario are under the laws of such other Provinces respectively permitted to hunt, shoot or fish therein. 63 V. c. 49, s. 3, ss. 3. Reduced fee to residents of other provinces.
47. The following terms and conditions in addition to any others imposed by regulation shall apply to all licenses issued under this Act, or any regulation. Conditions applicable to all licenses.
- (a) No license shall be issued to any person, or to any corporation employing any person, who may in such employment may have been convicted of any offence against this Act within two years next proceeding the date of application for such license. 63 V. c. 49, s. 24, ss. 4. Not to be issued to convicted persons
- (b) Licenses shall not be transferable, and every person shall be guilty of an offence under this Act who shall buy, sell, exchange or in any way become a party to the transfer of any license, or coupon, or who shall in any way use, or attempt to use, a license or coupon issued to any other person. Illegal transfer.
- (c) Licenses shall be subject to be cancelled by the Superintendent subject to appeal to the Minister, by reason of contravention by the licensee (or by any other person with his connivance) of this Act or of any regulation or of any of the terms and conditions of such license, notwithstanding that no prosecution has been instituted or conviction had in respect of such contravention. 63 V. c. 50, s. 12; 1 Ed. VII., c. 37, s. 34. Cancellation.
- (d) A conviction for any offence under this Act or any regulation shall operate as a cancellation of every license held by the person convicted. 63 V. c. 50, s. 22; 1 Ed. VII., c. 37, s. 7. Conviction to act as cancellation.
- (e) The issue of licenses under this Act and under regulations from time to time in force, shall be in the discretion of the Superintendent, sub- Issue of license to be discretionary.

ject to appeal to the Minister, but no person shall be deemed to have any claim to the issue of a license as of right.

Hunting
licenses.

48.—(1) Licenses authorizing hunting and shooting in the Province of Ontario may be issued as follows:—

To non-
residents.

(a) Authorizing persons not resident in the Province of Ontario to carry guns, rifles and firearms and to hunt and shoot therein. The fee for such license shall be \$25, until otherwise provided by regulation increasing the fee to not more than \$50. 63 V. c. 49, s. 25, ss. 1 (a).

To residents,
deer.

(b) Authorizing residents of the Province of Ontario to hunt deer during any season. The fee for such license shall be \$2. 63 V. c. 49, s. 25, ss. 1 (b).

To residents for
moose, reindeer
or caribou.

(c) Authorizing residents of the Province of Ontario to hunt moose, reindeer or caribou. The fee for such license shall be \$5. 63 V. c. 49, s. 25, ss. 1 (c).

Terms of
license.

(2) Licenses issued under the authority of this section shall be subject to the following in addition to any conditions imposed by regulation:

Production
of licenses
on demand.

(a) Every person who has obtained a license under this section shall at all times when hunting carry such license on his person, and shall at all reasonable times and as often as reasonably requested, produce and show the same to any person requesting him so to do, and on failure or refusal to do so shall forfeit such license, and if found hunting or taking any deer or other animal, for hunting which such license may be required, shall, on proof of failure or refusal to comply with such request, be deemed to have been guilty of an offence against this Act. 63 V. c. 49, s. 25, ss. 2.

Return as to
use of license.

(b) Every person who has obtained a license under this section shall within two weeks after the close of the open season in the year for which such license has been issued, make a return to the *Superintendent* verified by declaration, giving such particulars of his use of such license as shall be required by regulation according to the form printed thereon.

Failure to
make return.

(c) Every person shall be guilty of an offence against this Act who shall fail to make the return re-

quired by the next preceding subsection, and shall be guilty of an additional offence with respect to each month which shall thereafter elapse without making such return.

- (d) There shall be attached to every license authorizing the hunting of deer, two shipping coupons, plainly marked with the description of the game for hunting which the license has been applied for, and to every license authorizing the hunting of moose, one shipping coupon *similarly marked* and there shall be printed or stamped upon each coupon the date when the same shall expire, which shall not be later than ten days after the last day of the open season for which the license thereto attached has been issued, and when any deer, moose, reindeer or caribou, or any part thereof, or any game for export under section 45 of this Act, is presented for shipment at any railway station, steamboat landing or other point of shipment, one of the said coupons shall be signed and detached by the person to whom the license is issued, in the presence of the shipping agent or clerk in charge of the office at such point of shipment, and attached to each deer or other animal, or part thereof, or package as aforesaid, and thereupon such shipping agent shall write across the face of such coupon the word "cancelled"; and any person, shipping agent or clerk neglecting so to do, or using a shipping coupon after the date of expiry thereof and shipping or assisting in the shipment of anything to which a shipping coupon is required to be attached, without complying in all respects with the provisions of this section, shall be guilty of an offence against this Act. 63 V. c. 49, s. 26, ss. 1.
- Coupons to be attached to license.
- Cancellation of.

49. Licenses may be issued upon such terms and conditions as may be imposed by regulation:—

What licenses may be issued.

- (a) Authorizing any person or corporation engaged in the business of cold storage of perishable articles to keep any game during the open season and during the period in close season extending from the end of the open season in any year to the 1st day of January of the following year. The fee for such license shall be \$25. 63 V. c. 49, s. 27, ss. 1 (a).
- Cold storage.
- (b) Authorizing any person or corporation during the open season and during the period in close season
- Game dealers Sale in open season.

Rule of
imported game
in close season.

son extending from the end of the open season in any year to the 1st day of January of the following year to buy and sell, and, within the limits of the municipality for which such license is issued, to expose for sale, game lawfully killed and procured, and during such period and upon such conditions as may be fixed and established by regulation game imported into the Province of Ontario, specified and described in such regulation, and lawfully hunted, killed or procured according to the law of the Province, State or Country where the same may have been killed or procured. The fee for such license shall be in cities having a population of 100,000 or over, \$25; in other cities having a population of over 50,000, \$10; in other cities having a population under 50,000 and over 25,000, \$5; in cities having a population under 25,000 and in towns, \$2; and in incorporated villages and townships, \$1. 63 V. c. 49, s. 27, ss. 1 (b).

Supply of game
by hotels, etc.

- (c) Authorizing a hotel, restaurant or club to supply for or as part of a meal served upon the premises of such hotel, restaurant or club, any game lawfully obtained during the period in which the same may be sold under game dealer's license as hereinbefore provided. The license fees shall be for cities having a population of over 100,000, \$10; for cities having a population over 50,000, \$5; and all other municipalities, \$1. 63 V. c. 49, s. 27, ss. 1 (c).

Conditions of
Licenses for
Nepigon
waters.

50. Licenses may be issued authorizing fishing in the Nepigon River, Nepigon Lake and adjacent waters subject to the following in addition to any other conditions imposed by regulation:

Number and
term of
licenses.

- (a) One license only may be issued to any applicant, and shall not be for a longer period than four weeks from the date of issue.

Fee for licenses

- (b) The fee for such license shall be \$15 for a period of two weeks or less, \$20 for three weeks and \$25 for four weeks, where the applicant is not a permanent resident of Canada; and \$5 for two weeks and \$10 for four weeks where the applicant is a permanent resident of Canada.

Not transfer-
able and to be
produced upon
request.

- (c) The said license shall not be transferable and the holder thereof shall produce and exhibit the same whenever called upon so to do by an overseer.

- (d) All fishing camps, and fishing parties visiting the said waters shall be subject to the supervision of overseers. Subject to supervision.
- (e) Such sanitary arrangements as an overseer may direct shall be made, and such directions as he may give for the disposal of refuse and the extinction of fires shall be complied with. Sanitary arrangements.
- (f) The cutting of live timber the property of Ontario by persons holding a license or permit to fish in said waters, their servants or agents, is prohibited except where absolutely necessary for the purpose of camping and shelter, such as for tent poles, tent pins, and the like. 63 V. c. 50, s. 51; 1 Edw. VII., c. 37, s. 17. Cutting of live timber prohibited.

51.—(1) Licenses may be issued authorizing fishing in any waters within the Province subject to any terms, conditions or limitations, and for any district, or fishery, and within any boundaries therein and in any regulation set forth. 63 V. c. 50, s. 12; 1 Ed. VII., c. 37, s. 4. Fishing licenses.

(2) Licenses may be issued authorizing non-residents of the Province of Ontario to angle in the waters of the said Province, except in such waters as are specially provided for in this Act. The fee for such angling license shall be for an individual the sum of \$2, and for a family \$5, and such license shall be valid only for the calendar year in which the same is issued. To non-residents.

52. Licenses may be issued on such terms and conditions as may be imposed by regulation, giving authority to act as guides for hunting, shooting or fishing, in any part or district of the Province specified in any such licenses, to such persons applying therefor as may be certified by any Inspector or Warden to be fit and proper persons and qualified so to act. The fee for any such license shall not exceed \$2. 63 V. c. 49, s. 28, ss. 4. Guides.

PART VI.

ADMINISTRATION.

53. The Lieutenant-Governor in Council may make regulations:— Government regulations.

- (a) For the proper administration of the Game and Fisheries Branch. Administration.
- (b) For the appointment and for the remuneration of the superintendent, inspectors, wardens, over- Appointment of officers.

seers, officers, servants and other persons, including private prosecutors, whose assistance may be from time to time required or given for the purposes of this Act. 63 V. c. 49, s. 23, ss. 2; 63 V. c. 50, s. 5, ss. 1 (*amended*).

Making certain
overseers
Justices of the
Peace.

(c) Conferring upon certain overseers by special appointment powers of justices of the peace for the purposes of this Act and of all regulations. 63 V. c. 50, s. 5 (*amended*).

Superin-
tendent.

54. The administration of the Game and Fisheries Branch shall, under the Minister, be in charge of the chief officer thereof, who shall be known as the Superintendent of Game and Fisheries.

Inspectors of
Game and
Fisheries.

55. There shall also be appointed Inspectors of Game and Fisheries, not exceeding three in number, who shall, in addition to such duties as may be imposed upon them by regulation, examine and report upon the enforcement of the Act in all parts of the Province, the manner in which all Wardens and Overseers have during the year performed their duties, and shall also examine all applicants for the office of Game and Fishery Overseer.

Wardens of
Game and
Fisheries.

56. There shall also be appointed Wardens of Game and Fisheries, not exceeding seven in number, who, subject to the Superintendent, shall have charge of and be responsible for the enforcement of this Act in the districts for which they shall respectively be appointed, being such portions of the Province as shall be described in the regulation providing for their appointment. 63 V. c. 49, s. 22, ss. 1 (*amended*); 5 Edw. VII. c. 33, s. 6.

Officers
authorized to
act as Justices
of the Peace.

57.—(1) The Superintendent, Inspectors and Wardens of Game and Fisheries, Overseers authorized by their appointment to act as Justices of the Peace, and those members of the Provincial Police Force known as Inspectors of Criminal Investigations, having taken the oath of office hereinafter prescribed, shall be Justices of the Peace in and for every County or District of the Province for the purposes of this Act and of all regulations. 63 V. c. 49, s. 22, ss. 4; 5 Edw. VII. c. 33, s. 7.

Oath to be
taken before
acting as
Justices of the
Peace.

(2) The said Superintendent, Inspectors, Wardens and Overseers shall, before acting as Justices of the Peace as aforesaid, take and subscribe the following oath:—

I, A. B., Superintendent (or as the case may be), appointed under the provisions of *The Ontario Game and Fisheries Act*, do solemnly swear that to the best of my judgment I will faithfully, honestly and impartially fulfil, execute and perform the office and duty of such Superintendent (or as the case may be) accord-

ing to the true intent and meaning of *The Ontario Game and Fisheries Act* and of all regulations made thereunder. So help me God.

63 V. c. 49, s. 22, ss. 5.

58.—(1) Subject to the approval of the Minister, the ^{Overseers appointed and dismissed.} Superintendent of Game and Fisheries shall have power to appoint and from time to time in his discretion dismiss game and fishery overseers in and for any part of the Province. 63 V. c. 49, s. 23, ss. 1.

(2) Overseers shall be paid by salary or by special remuneration for work performed, prosecutions conducted or convictions obtained under this Act, or partly by salary and partly by special remuneration as aforesaid, but shall not be entitled to receive directly any fines imposed for offences against this Act. 63 V. c. 49, s. 23, ss. 2 (*amended*); 63 V. c. 50, s. 8 (*amended*). ^{Remuneration of Overseers, etc.}

59.—(1) Every overseer shall, before acting as such, ^{Powers and duties of Overseers.} obtain and deposit with the Superintendent a written certificate signed by an Inspector or Warden, certifying that he is a fit and proper person to be appointed to the office of Overseer, and shall take and subscribe the following oath:—

I, A. B., a Game and Fishery Overseer in and for the (County, District or Territory) described in my appointment, do solemnly ^{Oath of Overseer.} swear that to the best of my judgment I will faithfully, honestly and impartially fulfil, execute and perform the office and duty of such Overseer according to the true intent and meaning of *The Ontario Game and Fisheries Act* and of all regulations made or to be made thereunder. So help me God.

63 V. c. 49, s. 23, ss. 12; 63 V. c. 50, s. 6.

(2) Persons duly appointed Overseers and having obtained the certificate and taken the oath hereinbefore provided, shall be, and exercise the authority of constables for the purposes of this Act and of all regulations. 63 V. c. 49, s. 23, s. 6. ^{Overseer's powers as constable.}

(3) It shall be the duty of every Overseer (not being himself a Justice of the Peace or authorized to act as such), on view of a violation of this Act, to arrest the person committing the same, without process, and to bring him with reasonable diligence before a Justice of the Peace or Magistrate to answer therefor. 63 V. c. 49, s. 23, ss. 9. ^{Arrest on view.}

(4) It shall be the duty of every Overseer, if he has reason to suspect and does suspect that game, peltries or fish have been killed, taken or shipped or are possessed contrary to the provisions of this Act, or of any regulation, and are contained in any trunk, box, bag, parcel, or receptacle, to open the same, entering all premises which he may be authorized to enter under the terms of this Act, ^{Duty to search.}

Opening parcels or entering premises.

and using necessary force, in case the owner or person in charge refuses to facilitate his search, and if such overseer has reason to believe and does believe that it is necessary to enter any store, private, house, warehouse, car or building which he is not authorized under the terms of this Act to enter without a search warrant, he shall make a deposition according to Form A in the schedule annexed to this Act before a Justice of the Peace, and demand a search warrant to search such store, private house, warehouse, car or building, and thereupon such Justice of the Peace may issue a search warrant according to Form B in the said schedule. 63 V. c. 49, s. 23, ss. 4, 5.

Search warrant.

Duty to seize.

(5) It shall be the duty of every Overseer forthwith to seize all game and fish and all boats, guns, decoys, nets, lines, tackle, appliances, materials and articles used or possessed contrary to the provisions of this Act or of any regulation, and to deal therewith according to law, provided that all articles the use whereof is at all times unlawful shall be forthwith destroyed. 63 V. c. 49, s. 23, ss. 3; 63 V. c. 50, s. 56.

General powers.

(6) Overseers shall have all powers and duties conferred upon them for the purposes of this Act by any regulation and by the terms and conditions of any lease or license.

Duty to investigate and prosecute.

(7) It shall be the duty of every Overseer to investigate all cases of violations of this Act or of any regulation which may be brought to his notice, and to prosecute all persons whom he may have reasonable cause to believe guilty of any offence against this Act or any regulation. 63 V. c. 49, s. 23, ss. 4.

Right of passage.

(8) In the discharge of his duties every Overseer and every person by him accompanied, or authorized for that purpose, may enter upon, and pass through, or over, private property, without being liable for trespass. 63 V. c. 50, s. 7.

Reports.

(9) Overseers shall make such annual and other reports and returns as the Superintendent may from time to time require.

Obstructing officers in the discharge of their duty.

(10) Any person who shall obstruct, hinder, delay or interfere with any Overseer appointed under this Act in the discharge of his duty under the provisions of this Act or while enforcing or attempting to enforce, or while acting under any Act or Regulation of Canada relating to fish, fishing or fisheries, by violence, hindrance or by the means of threats, or by giving false information, or in any other manner whatsoever, shall be guilty of a violation of this Act. 63 V. c. 50, s. 31.

Neglect to fulfil duties.

(11) Every Overseer or other person authorized to enforce the provisions of this Act, and neglecting or refusing

so to do, or to perform any of the duties pertaining to their office as above set forth, shall be guilty of an offence under this Act. 63 V. c. 49, s. 23, ss. 11.

(12) Any officer who maliciously, or without probable cause, abuses his power in such proceedings, shall be guilty of an offence under this Act. 63 V. c. 49, s. 23, ss. 10. Abuse of power.

(13) All the provisions of this section as to Overseers shall apply to the Superintendent, Inspectors and Wardens so far as is consistent with their respective duties otherwise imposed, and all sheriffs, deputy sheriffs, provincial police or constables, county constables, police officers, wood rangers, Crown lands agents, timber agents and fire wardens are hereby constituted Overseers with all the powers and duties by this section conferred and imposed upon Overseers who have duly taken the oath of office as hereinbefore provided. 63 V. c. 49, s. 23, ss. 7, 13; 63 V. c. 50, s. 5, ss. 2. Duty of.

PART VII.

PROCEDURE—EVIDENCE—PENALTIES.

60.—(1) The following provisions shall have effect with respect to summary proceedings for offences, fines and penalties under this Act or any regulation. Provisions with respect to summary proceeding.

(2) All prosecutions under this Act may be brought and heard before any person authorized by this Act to act as a Justice of the Peace or before any of His Majesty's Justices of the Peace in and for the county or district where the penalty was incurred or the offence was committed, or wrong done, or if near any boundary between different counties or districts, then in either, or in the county or district where the offender lives or in found, and in cities, towns and incorporated villages in which there is a Police Magistrate before such Police Magistrate, but no person charged with an offence under this Act shall be compelled to attend before a magistrate at a greater distance from the place where he may have been found or arrested or from his place of residence or the place where the offence was committed than ten miles, if there is a magistrate residing within that distance who is willing to dispose of the case and is not interested in any way therein, or related to or connected with any of the parties thereto. 63 V. c. 49, s. 31, ss. 2. Persons before whom offences may be tried.

(3) The information or complaint shall be laid within six months after the commission of the offence; provided that this shall not apply to prosecutions for omissions to Limitation.

make any returns required by this Act or by any regulation. 63 V. c. 50, ss. 54, 54.

Offences.

(4) Any contravention of, or offence against any regulation or the terms or conditions of any lease or license issued thereunder shall be and may be stated as being an offence against this Act. 63 V. c. 50, ss. 11, 12; 1 Edw. VII. c. 37, ss. 3, 4, 15 (*amended*).

Description of offence.

(5) The description of an offence, in the words either of this Act or of any regulation, or in any similar words shall be sufficient in law.

Exceptions.

(6) Any exception, exemption, proviso, excuse or qualification, whether or not it accompanies the description of the offence in this Act, or in any regulation, may be proved by the defendant, but need not be specified or negatived in the information or complaint, and if so specified or negatived, no proof in relation to the matter so specified or negatived shall be required on the part of the informant or complainant. 63 V. c. 49, s. 31, ss. 5.

Conviction on view.

(7) Any justice of the peace or other person authorized under the provisions of this Act to act as a justice of the peace for the purposes thereof, may upon his own view convict for any offence against this Act or any regulation. 63 V. c. 49, s. 22, ss. 3.

Separate offences.

(8) A violation of this Act or of any regulation shall constitute a separate offence in respect of each game animal, bird or fish which is the subject thereof, though more than one violation of the same kind or of a different kind and in respect of more than one game animal, bird or fish takes place at the same time or upon the same day. 63 V. c. 49, s. 29, ss. 3; 63 V. c. 50, s. 57.

Different offences on same day.

(9) Upon the trial of any prosecution under this Act, the Justice or Justices before whom the same is tried, shall, if it appears that more than one offence of the same kind was committed at the same time, or on the same day, impose all the penalties in one conviction which he or they are hereafter empowered to do. 63 V. c. 49, s. 31, ss. 5.

Committal on non-payment of fine.

(10) The Justice or Justices shall, in any such conviction, adjudge that the defendant be imprisoned unless the penalty, and also the costs and charges of prosecution and commitment, and of conveying the defendant to prison, are sooner paid. 63 V. c. 49, s. 31, ss. 6; 63 V. c. 50, s. 61.

Costs.

(11) The amount of the costs and charges of the commitment and conveying of the defendant to prison shall be ascertained and stated in the warrant of commitment. 63 V. c. 49, s. 31, ss. 7.

(12) A conviction or order made in any matter arising under this Act, either originally or on appeal, shall not be quashed for want of form, and a conviction or order made by a court of summary jurisdiction, against which a person is authorized to appeal, shall not be removed by *certiorari* or otherwise either at the instance of the Crown or any private person into the High Court, except for the purpose of the hearing and determination of a special case.

Defects of form

Conviction is not removable on *certiorari*.

(13) In all prosecutions under this Act, save when hereinafter otherwise provided, the procedure shall be governed by *The Ontario Summary Convictions Act*. 63 V. c. 49, s. 31, ss. 9; 63 V. c. 50, s. 62.

Application of Rev. Stat. c. 20

EVIDENCE.

61.—(1) In all actions and prosecutions under this Act the onus shall be upon any person found in possession of any game or fish in close season, to prove that such game was lawfully taken, killed and obtained. 63 V. c. 49, s. 30, ss. 2.

Onus of proof.

(2) The finding of any nets, fishing devices or other articles set or maintained in violation of this Act shall be *prima facie* evidence of the guilt of the person or persons owning, possessing or operating the same. 63 V. c. 50, s. 32.

Finding nets to be evidence

(3) In all actions and prosecutions under this Act the possession of guns, decoys or other implements of shooting or hunting in or near any place where any game has been, or is likely to be found, shall be sufficient evidence *prima facie* that the person or persons in possession thereof, were hunting or shooting such game. 63 V. c. 49, s. 30, ss. 1.

Possession, etc.

(4) On the trial of any complaint, proceeding, matter or question under this Act, the person opposing or defending, or who is charged with any offence against or under any of the provisions of this Act, shall be competent and compellable to give evidence in or with respect to such complaint, proceeding, matter or question, and on any such trial no person, witness or party shall be excused from answering any question upon the ground that the answer to such question may tend to criminate him, or may tend to establish his liability to a civil proceeding at the instance of the Crown or any other person, provided, however, that no evidence so given shall be used or receivable in evidence against such person in any criminal proceeding thereafter instituted against him, other than a prosecution for perjury in giving such evidence. 63 V. c. 49, s. 30, ss. 4; 63 V. c. 50, s. 60.

Defendant a competent and compellable witness.

PENALTIES.

Deer, etc.

62.—(1) Any person committing any offence under this Act in respect of deer, moose, elk, reindeer, caribou, beaver or otter shall be liable for each offence to a fine not exceeding \$100 and not less than \$20, together with the costs and any person committing any other offence against any of the provisions of this Act, shall be liable for each offence to a fine not exceeding \$50 and not less than \$5, together with the costs, and in default of immediate payment of any fine and costs imposed under this section the offender shall be imprisoned in the common gaol of the county where such conviction takes place for a period not exceeding three months. 63 V. c. 49, s. 29, ss. 1.

Other offences.

Second and third offences.

(2) Any person offending against any of the provisions of this Act who has been convicted of the same or any other offence against this Act within two years theretofore, shall be liable to a penalty of not less than double the minimum penalty hereinbefore provided for such second offence, and upon a third or any subsequent conviction at any time thereafter such person shall be liable to a penalty of not less than the maximum penalty hereinbefore provided. 63 V. c. 49, s. 29, ss. 4.

Masked when offence committed.

(3) Any person convicted of any offence under this Act shall, if such person be proved to have been masked or disguised and in possession of any gun or other fire-arm at the time such offence was committed, be liable to be imprisoned for a period not exceeding three months without the option of a fine, in addition to the penalty elsewhere provided for such offence. 63 V. c. 49, s. 29, ss. 2.

Separate offences.

(4) A violation of this Act shall constitute a separate offence in respect of each and every game animal, bird and fish which is the subject thereof, though more than one violation of the same kind or a different kind and in respect of more than one game animal, bird or fish takes place at the same time or upon the same day. 63 V. c. 49, s. 29, ss. 3.

(5) No justice of the peace shall have any power to remit any penalty or to reduce the amount of penalties in case of conviction for more than one offence upon the same prosecution, but in any case in which the aggregate penalties upon conviction for more than one offence committed at the same time or included in the same conviction shall amount to more than the sum of \$500, the Minister shall have power in his discretion to remit any part of the excess over said amount.

One half fine to go to private prosecutor.

(6) All fines imposed and collected in prosecutions under this Act in which overseers appointed under this Act

are prosecutors, shall be paid to the Treasurer of the Province. 63 V. c. 49, s. 29, ss. 6.

(7) One-half of every fine imposed and collected under the provisions of this Act in which any other person acts as prosecutor, shall be paid to such prosecutor, or to the person on whose evidence the conviction is made, as the justice may determine, and the other one-half shall be paid to the Treasurer of the Province. 63 V. c. 49, s. 29, ss. 8. Application of fine.

(8) All guns, ammunition, boats, skiffs, canoes, punts and vessels of every description, decoys, nets, rods, lines, tackle, and all appliances of every kind used for fishing and hunting, and all game and fish found in the possession of any person committing an offence against this Act or any regulation or in respect of which any such offence was committed, shall be confiscated upon seizure and, save as hereinafter provided, shall become the property of His Majesty and shall be forwarded to the Superintendent to be sold and the proceeds paid to the Treasurer of the Province. Except only that articles of which the use is at all times unlawful shall be destroyed on seizure and that perishable game and fish may in the discretion of the Overseer be immediately given to any charitable institution. 63 V. c. 49, s. 29, ss. 5; 63 V. c. 50, s. 65. Confiscation of game, etc.

(9) Upon seizure of any game or fish illegally killed or possessed, or in respect of which any offence against this Act or any regulation has been committed, all packages, boxes, crates, parcels or other articles containing the same shall, together with all other contents thereof of every kind and description, be confiscated, and shall be deemed to be the property of the Crown, and shall be sold and the proceeds applied as provided in the next preceding subsection in the case of such illegal contents. Confiscation of packages, etc.

(10) No person committing any offence against this Act or any regulation shall have or acquire any right of property in game or fish caught or taken by him while committing such offence or in respect of which such offence was committed, but the same shall be forfeited and shall become the property of the owner, lessee or licensee, if any, in breach of whose rights such offence was committed: otherwise shall become the property of His Majesty. No right of property in game or fish illegally caught.

(11) The penalties in the three preceding subsections provided as to confiscation and loss of property shall take effect upon seizure if any offence has been in fact committed notwithstanding that no conviction be had against the person actually committing such offence. Penalties to take effect on confiscation.

(12) All leases or licenses held by any person convicted of any offence against this Act or any regulation shall be deemed to be cancelled upon conviction without further Conviction to cancel license.

action or notice given by any officer of the Game and Fisheries Branch.

63 V. c. 49 and
59 repealed.

63. *The Ontario Game Protection Act, The Ontario Fisheries Act, 1900*, and all amendments of the said Acts are hereby repealed.

SCHEDULE.

FORM A.

(Section 59).

Deposition for a Search Warrant.

I, _____, undersigned _____ do hereby declare that I have reason to suspect, and do suspect, that game, furs or fish unlawfully killed or taken or possessed (*as the case may be*) are at present held and concealed (*describe the property, occupant, etc., and the place.*)

Wherefore, I pray that a warrant may be granted and given to me to effect the necessary searches (*describe here the property, etc., as above*).

Sworn before me at _____ this _____ day
of _____ A.D. 1 _____ X. Y.

L. B.
J. P.

63 V. c. 49.

FORM B.

(Section 59).

Search Warrant.

Province of Ontario,

County of _____

To each and every the constables of _____, County of _____

Whereas _____ has this day declared, under oath, before me, the undersigned, that he has reason to suspect that (*furs or fish unlawfully taken or possessed, as the case may be*) are at present held and concealed (*describe property, occupant, place, etc.*).

Therefore you are commanded by these presents, in the name of His Majesty, to assist the said _____, and to diligently help him to make the necessary searches to find the (*state the game, furs or fish unlawfully taken or possessed, etc.*) which he has reason to suspect, and does suspect, to be held and concealed in (*describe the property, etc., as above*), and to deliver, if need there be, the said game, etc., (*as the case may be*) to the said _____ to be by him brought before me, or before any other magistrate, to be dealt with according to law.

Given under my hand and seal at _____ county of _____
this _____ day of _____, A.D. 1 _____

L. B.
J. P.

[L.S.]

No. 137.

3rd Session, 11th Legislature,
7 Edward VII., 1907.

BILL.

An Act respecting Game, Fur bearing
Animals and Fisheries of Ontario.

First Reading,	27th February,	1907.
Second Reading,	11th March,	1907.

*Reprinted as amended by the Fish and
Game Committee.*

Mr. REAUME

TORONTO:

PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

No. 138.

BILL.

1907.

An Act to amend The Municipal Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 677 of *The Consolidated Municipal Act, 1903*,
5 as amended by section 38 of *The Municipal Amendment Act, 1906*, is hereby repealed and the following substituted therefor:—

3 Edw. VII.,
c. 19, s. 677,
repealed.

(677) Notwithstanding anything contained in any by-law of a municipality or in any statute the corporation of
10 any city, town or village may construct and lay down a sidewalk, pavement or sewer upon, under and along any street, lane, alley or other thoroughfare or park in the said city, town or village as a local improvement and the cost thereof may be assessed against the properties fronting or
15 abutting thereon, if such sidewalk, pavement or sewer in the opinion of two-thirds of all the members of the council of the city, town or village is desirable in the public interest.

Laying side-
walks, pave-
ments and
sewers as local
improvements
on two-thirds
vote of the
Council.

No. 138.

3rd Session, 11th Legislature,
7 Edward VII., 1907.

BILL.

An Act to amend The Municipal Act.

First Reading, 27th February, 1907.

Mr. CLAPP.

TORONTO:

PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

No. 139.

BILL.

1907.

An Act to amend The Liquor License Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 19 of the Act passed in the sixth year of His 6 Edw. VII.
5 Majesty's reign, chaptered 47, is amended by striking out c. 49, s. 19
the words "in which a by-law passed under section 141 of amended.
The Liquor License Act is in force" and by inserting in Shop license
lieu thereof the words "other than the municipality for canvassing for
which such license was issued." orders.

No. 139.

3rd Session, 11th Legislature,
7 Edward VII., 1907.

BILL.

An Act to amend The Liquor License Act.

First Reading, 27th February, 1907

Mr. THOMPSON

TORONTO:

PRINTED BY L. K. CAMERON,

Printer to the King's Most Excellent Majesty.

No. 140.

BILL.

1907.

An Act to amend The Municipal Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 606 of *The Consolidated Municipal Act, 1903*,^{3 Edw. VII. c. 19, s. 606.}
5 is amended by adding to subsection (1) the following pro-<sup>subs. 1. amend-
ed.</sup>
viso:

Provided that the corporation shall not be civilly re-
sponsible for such damages, unless actual notice of the de-
fault causing such damages has been given in writing to
10 the mayor, warden, reeve or other head of the corporation
or to the clerk thereof before such damages were sustained.

Notice of de-
fault causing
accident on
highway.

No. 140.

3rd Session, 11th Legislature,
7 Edward VII., 1907.

BILL.

An Act to amend The Municipal Act.

First Reading, 27th February, 1907

Mr. SUTHERLAND.

TORONTO:

PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

No. 141.

BILL.

1907.

An Act to amend The Municipal Act:

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Subsection 1 of section 569 of *The Consolidated Municipal Act, 1903*, is amended by striking out the proviso thereto and substituting therefor the following:

3 Edw. VII.
c. 19. s. 569.
subs. 1
amended.

Provided that the powers conferred by this subsection shall not be exercisable when the exercise thereof would violate the terms of any agreement or contract made between the municipality and any existing street railway.

No. 141.

3rd Session, 11th Legislature,
7 Edward VII., 1907.

BILL.

An Act to amend The Municipal Act.

First Reading, 27th February, 1907.

Mr. CRAIG.

TORONTO:

PRINTED BY J. K. CAMERON,

Printer to the King's Most Excellent Majesty.

An Act to amend The Assessment Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Subsection 1 of section 10 of *The Assessment Act* is 4 Edw. VII.
 5 amended by adding after the word "him" on the sixth line c. 23, s. 10,
 thereof, the words "save as to the case of retail merchants subs. 1, amend-
 whose assessment under this section shall be computed with ed.
 reference to the assessed value of the stock in trade car-
 ried by them less any sum owing in respect of the same
 10 as hereinafter provided."

2. Paragraph (g) of subsection 1 of section 10 of *The* 4. Edw. VII.
Assessment Act is amended by striking out the words "said c. 23, s. 10,
 assessed value," wherever the same occur in the said sec- subs. 1, par. (g),
 tion, and substituting therefor the words "assessed value amended.
 15 of the stock in trade carried by them at the date of the
 assessment, less any sum owing in respect of the same,"
 and by adding thereto the following words, "Every such
 person shall furnish the assessor, upon request made by
 him, a written statement, verified by statutory declaration,
 20 of the amount of such stock in trade carried by him. And
 the assessor shall make such use thereof in fixing the assess-
 ment of such stock in trade as he may think fit, but shall
 not be bound in fixing such assessment by such statement."

3rd Session, 11th Legislature,
7 Edward VII., 1907.

BILL.

An Act to amend The Assessment Act.

First Reading, 27th February, 1907.

Mr. GAMEY.

TORONTO:

PRINTED BY L. K. CAMERON,

Printer to the King's Most Excellent Majesty.

No. 143.

BILL.

1907.

An Act to amend The Municipal Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Subsection 1 of section 80 of *The Consolidated Municipal Act, 1903*, is amended by adding after the word “municipality” in the twenty-third line thereof the words “and no person who or whose property is liable for any taxes on any collector’s roll in the hands of the collector of taxes of the municipality.”
- 3 Edw. VII,
c. 19, s. 80,
subs 1
amended.

3rd Session, 11th Legislature,
7 Edward VII., 1907.

BILL.

An Act to amend the Municipal Act.

First Reading, 27th February, 1907.

Mr. CRAIG.

TORONTO:

PRINTED BY L. K. CAMERON,

Printer to the King's Most Excellent Majesty.

An Act to amend The Municipal Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 386 of *The Consolidated Municipal Act, 1903*, ^{3 Edw. VII. c. 19, s. 386} is amended by adding thereto the following: amended.

(4) In the case of any by-law heretofore or hereafter passed the municipal council may by by-law authorize a change in the mode of issue of the debentures from that defined by the by-law and may direct that the debentures be issued with coupons instead of in amounts of combined principal and interest or *vice versa* (as the case may be) and in case of the sale, pledge or hypothecation of any debenture issued under the authority of any such by-law the municipal council may upon again acquiring the same or at the request of any holder thereof cancel the same and thereupon issue one or more debentures in substitution therefor and make such new debenture or debentures payable by the same or a different mode of payment, and the assent of the electors shall not be necessary in any such case provided always that there be no change in the amount to be paid in each year. ^{By-law to change mode of issuing debentures.}

2. Section 389 of the said Act is amended by adding thereto the following: ^{3 Edw. VII. c. 19, s. 389} amended.

(4) The council of any county or union of counties may at any meeting of the council without submitting the same for the assent of the electors pass a by-law authorizing the issue of debentures to such amount as may be necessary to provide for the erection and establishment of a House of Refuge for such county or union of counties in compliance with the requirements of the Act passed in the 3rd year of His Majesty's reign, chaptered —, provided the plans therefor shall have first been approved by the Inspector of Prisons and Public Charities. And provided further that ^{Issuing debentures for house of refuge without assent of electors.}

such by-law receive the assent of not less than three-fourths of all the members of the Council.

3 Edw. VII,
c. 19, s. 390
amended.

3. Section 390 of *The Consolidated Municipal Act, 1903*, is amended by substituting the words and figures "Subsections 2 and 4" in place of "Subsection 2," in the first line 5 of such section.

2 Edw. VII,
c. 19, s. 673
amended.

4. Section 673 of the said Act is amended by adding thereto the following, as subsection 2b:—

Rates for
construction of
sewers.

(2b) To remove doubts it is hereby declared that it is and always has been lawful for the council of any city, 10 town or village by an affirmative vote of three-fourths of all the members of the council to enact by by-law in the case of the construction of a sewer other than a sewer having a sectional area of more than four feet that a certain sum per foot frontage (fixed by the council) shall be borne 15 and paid by the property fronting or abutting on the street or streets on which such sewer is constructed and by the owners thereof and that the remainder of the cost of construction opposite such property as well as the total cost of construction opposite exempt property and at street inter- 20 sections shall be paid by the municipality at large.

3 Edw. VII,
c. 19.

The provisions of *The Consolidated Municipal Act, 1903*, relating to local improvements shall in all other respects extend and apply to any such sewer and the construction thereof and to the issue of debentures to pay therefor and 25 all proceedings for any of these purposes or connected therewith shall be the same as provided in the said Act for local improvements in other cases.

No. 144.

3rd Session, 11th Legislature,
7 Edward VII., 1907.

BILL.

An Act to amend The Municipal Act.

First Reading, 27th February, 1907.

MR. THOMPSON
(Wentworth).

TORONTO:

PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

No. 145.

BILL.

1907.

An Act to amend The Municipal Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 491 of *The Consolidated Municipal Act, 1903*,
5 be amended by adding within brackets after the word
“offences” in the fourth line the words “(including of-
fences against the by-laws of the municipality)” and by
adding after the word “offenders” in the fifth line the
words “and laying information before the proper tribunal
10 and prosecuting and aiding in the prosecution of the of-
fenders.”

3 Edwd. VII.
c. 19, s. 491.
amended.

No. 145

3rd Session, 11th Legislature,
7 Edward VII., 1907.

BILL.

An Act to amend The Municipal Act.

First Reading, 27th February, 1907.

MR. CRAIG.

TORONTO:

PRINTED BY L. K. CAMERON,

Printer to the King's Most Excellent Majesty.

An Act to amend The Municipal Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 559 of *The Consolidated Municipal Act, 1903*, ^{3 Edw. VII. c. 194, 1909.} amended.
 5 as amended by section 20 of *The Municipal Amendment Act, 1906*, is amended by adding thereto the following subsection:

(4a) For constructing or laying down pipes or conduits for enclosing wires for the transmission of electricity under streets, alleys, lanes, parks or public squares within the municipality or to carry such wires across or along any such streets, alleys, lanes, parks or public squares and for erecting poles on such streets, alleys, lanes, parks or public squares for the support of such wires and for authorizing the municipality to enter into agreements with electric light or power, telegraph or telephone companies for the use of such pipes, conduits or poles, subject to such regulations as the council may see fit to impose, and upon payment of such rental as may be agreed upon, or upon failure to agree as may be fixed by arbitration under this Act, and for issuing debentures of the corporation for the amount sufficient to pay for the construction or laying down of such pipes or conduits or the erection of such poles and any debt incurred under such by-law shall be payable within thirty years from the date of the issue of the debentures, and it shall not be necessary to obtain the consent of the electors to any by-law passed under this subsection.

By-laws for larger pipes or conduits for electric wires.

No. 146.

3rd Session, 11th Legislature,
7 Edward VII., 1907.

BILL.

An Act to amend The Municipal Act.

First Reading, 27th February, 1907.

Mr. DOWNEY.

TORONTO:

PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

No 147.

BILL.

1907

An Act to amend The Assessment Act.

HIS MAJESTY by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Subsection 8 of section 10 of *The Assessment Act* is 4 Edw. VII., c. 23, s. 10, subs. 8 repealed.
5 repealed and the following substituted therefor:—

(8) The tax upon such business assessment shall not constitute a charge upon the land occupied or used. Business tax not a tax on lands.

(9) Every person assessed for business assessment and every person occupying premises assessed for business assessment and carrying on business therein whether such last mentioned person is named upon the assessment roll or not shall be liable for the payment of the tax on such business assessment. Who liable for payment of business tax.
10

3rd Session, 11th Legislature,
7 Edward VII., 1907.

BILL.

An Act to amend The Assessment Act.

First Reading, 28th February, 1907.

MR. MUNRO.

TORONTO:

PRINTED BY L. K. CAMERON,

Printer to the King's Most Excellent Majesty.

No. 148.

BILL.

1907.

An Act to amend The Assessment Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 214 of *The Assessment Act* as enacted by section 4 Edw. VII.,
5 19 of the Act passed in the sixth year of His Majesty's c. 23, s. 214,
Reign, chaptered 36, is amended by striking out the words 6 Edw. VII.,
and figures "31st day of December" in the second line and c. 36, s. 19,
substituting therefor the words and figures "20th day of amended.
December." Payment of
county rates to
county
treasurer.

No. 148.

3rd Session, 11th Legislature,
7 Edward VII., 1907.

BILL.

An Act to amend The Assessment Act.

First Reading, 28th February, 1907.

Mr. DUFF.

TORONTO:

PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

An Act to amend The Municipal Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. *The Consolidated Municipal Act, 1903*, is amended by adding thereto the following section:— 3 Edw. VII
c. 19 amended.

699a. (1) One-fourth in number of the persons shown by the last revised assessment roll to the owners of the real property comprised in any portion of a township to be defined in a petition hereinafter referred to, and who, according to such assessment roll, represent at least one-third of the value of such property, may petition the council of the township to aid such portion of the township by granting money or debentures or by way of bonus or gift to such portion of the township to assist such portion of the township in the making, constructing or repairing a public highway through or partly through such portion of the township, and may in such petition define the manner and amount of such aid required. Petition to township council for aid in constructing roads.

(2) Upon receipt of such petition the council (after the assent of a majority of the ratepayers within such municipality who are entitled to vote thereon has been obtained in the manner provided by this Act) may pass the by-law for the granting of such aid in accordance with the petition and for raising the amount petitioned for in the municipality by the issue of debentures of the municipality and for the payment of the proceeds of such debentures or the delivery of the debentures in and towards the payment of making, constructing or repairing such highway as may be expressed in the by-law and for assessing and levying upon all the rateable real property of the municipality an annual special rate for the repayment of the said debentures within twenty years with the interest thereon payable yearly or By-law granting aid.

half yearly, which debentures the council, reeves and other officers of the municipality are hereby authorized to execute and issue.

Levying rate
on portion of
township des-
cribed in peti-
tion.

(3) Whether or not aid is given under the preceding subsection to any such portion of a township as in the preceding subsection provided for the council of the township may upon the receipt of the petition provided for in the preceding subsection, pass by-laws for levying by assessment on all rateable property within such portion of the township described in such petition, in addition to all other rates, a 10 sum sufficient to meet the expenses of making, constructing or repairing any such road or the balance thereof after the aid granted under the preceding subsection. 5

3rd Session, 11th Legislature,
7 Edward VII., 1907.

BILL.

An Act to amend The Municipal Act.

First Reading, 28th February, 1907.

Mr. LENNOX.

TORONTO:

PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

No. 150.

BILL.

1907.

An Act to amend The Municipal Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 568 of *The Consolidated Municipal Act, 1903*, § Edw. VII., c. 19, s. 568, amended.
5 is amended by adding thereto the following subsection:

(3) Every Municipal Council shall have power to contract with any street railway company for watering such streets or highways within the municipality as may be agreed upon between the council and the company for any
10 number of years, the first instance not exceeding ten, and for renewing such contract from time to time for a period not exceeding ten years as may be agreed upon between the council and such company.

Contracts with street railway companies for street watering.

No. 150.

3rd Session, 11th Legislature,
7 Edward VII., 1907.

BILL.

An Act to amend The Municipal Act.

First Reading, 28th February, 1907.

MR. HODGINS.

TORONTO:

PRINTED BY L. K. CAMERON,

Printer to the King's Most Excellent Majesty.

No. 151.

BILL.

1907.

An Act to amend The Municipal Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. The paragraph numbered 1, in section 583 of *The Consolidated Municipal Act, 1903*, is amended by striking out the proviso therein.

3 Edw. VII.,
c. 19, s. 583,
subs. 1.

No. 151.

3rd Session, 11th Legislature,
7 Edward VII., 1907.

BILL.

An Act to amend The Municipal Act.

First Reading, 28th February, 1907.

Mr. MACDIARMID.

TORONTO:

PRINTED BY L. K. CAMERON,

Printer to the King's Most Excellent Majesty.

An Act to amend The Municipal Waterworks Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

- (1) Subsection 1 of section 41 of *The Municipal Water-* Rev. Stat.,
c. 225, s. 41,
subs. 1,
amended.
5 *works Act*, as enacted by section 2 of the Act passed in the
6th year of His Majesty's reign, chaptered 40, is amended
by adding to clause (d) thereof the following words:—In
case the election is for two members at the first election
and both are elected by acclamation then the member hav-
10 ing the largest assessment in the last revised assessment
roll shall continue in office for two years, and in case only
one member should be elected by acclamation where the Election of
commissioners.
election is for two members, that member so elected shall
continue in office for two years and the other member sub-
15 sequently elected shall hold office for one year, and in case
the election is for four members and not more than two are
elected by acclamation at the annual election the two so el-
ected shall hold office for two years and the two subsequent-
ly elected for one year, and if three should be elected by
20 acclamation the two having the largest assessment on the
last revised assessment roll shall hold office for two years
and the third one and the one hereafter elected shall hold
office for one year. And this amendment shall apply to
any election of such commissioners heretofore held under
25 this section.

3rd Session, 11th Legislature,
7 Edward VII., 1907.

BILL.

An Act to amend the Municipal Water-
works Act.

First Reading, 28th February, 1907.

Mr. DOWNEY.

TORONTO:

PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

An Act to amend The Public Schools Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. *The Public Schools Act* is amended by inserting there-^{1 Edw. VII, c. 39 amended.}
5 in the following as section 29a:—

- 29a.—(1) Every collector shall, on or before the first day of June in the year following the year in which any school rate becomes due and payable in an unorganized township in a Provisional Judicial District, make a return to the
10 sheriff of the district, showing each lot or parcel assessed, the name of the person assessed as owner or occupant and the amount of school rates chargeable against the lot or parcel and in arrears at the date of such return with the year for which the rates so in arrear were imposed.
- 15 (2) The sheriff shall enter in the book to be kept by him for that purpose the particulars furnished by the collector as aforesaid.
- (3) The collector shall not receive any payments on account of school rates so in arrear after the expiration of
20 two years from the date when the same became due and chargeable, but in the case of payments made before the expiration of the period of two years the collector shall forthwith notify the sheriff thereof and the sheriff shall enter such payment against the proper lot or parcel in the book
25 to be kept by him for the purpose. After the expiration of the said period of two years all such arrears shall be payable to the sheriff and the sheriff shall enter such payment in the book kept by him as aforesaid and shall return the amount so paid to the secretary-treasurer of the public
30 school board.
- (4) Whenever it appears from the entries in the book to be kept by the sheriff as aforesaid that any school rate is in arrear for three years from the 31st day of December in

the year in which the same became payable the sheriff shall proceed to collect the same by the sale of the lands assessed and the procedure in relation to such sale and the provisions applicable to deeds, the redemption of lands thereafter and deeds to be given to the tax purchasers shall be the same as 5 nearly as possible as in the case of the sale of lands by the sheriff for arrears of taxes in organized municipalities in a Provisional Judicial District.

No. 153.

3rd Session, 11th Legislature,
7 Edward VII., 1907.

BILL.

An Act to amend The Public Schools Act.

First Reading, 26th February, 1907.

Mr. MAHAFFY.

TORONTO:

PRINTED BY L. K. CAMERON,

Printer to the King's Most Excellent Majesty.

An Act to amend The Assessment Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The paragraph numbered 19 in section 5 of *The Assessment Act* as enacted by section 1 of *The Assessment Amendment Act, 1906*, is amended by adding thereto the following words, “and the income of any person not a householder or head of a family within the meaning of this paragraph derived from any investment or from money deposited in any bank or other financial institution or loaned upon mortgages, promissory notes or other securities where such income does not exceed the sum of \$200, and where such person is not in receipt of an income from all sources exceeding the said sum of \$200.”
- 4 Edw. VII.
c. 23, s. 5, par. 19
amended.

3rd Session, 11th Legislature,
7 Edward VII., 1907.

BILL.

An Act to amend The Assessment Act.

First Reading, 28th February, 1907.

Mr. NEELY.

TORONTO:

PRINTED BY L. K. CAMERON,

Printer to the King's Most Excellent Majesty.

An Act to amend The Municipal Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Subsection 4, of section 128, of *The Consolidated Municipal Act, 1903*, is amended by striking out the words “in cities of over 100,000 inhabitants” in the proviso therein and by striking out the word “seven” in the fourth line of such proviso and substituting therefor the word “eight.”

3 Edw. VII.,
c. 19. s. 128,
subs. 4
amended.
Hours of
polling.

No. 155.

3rd Session, 11th Legislature,
7 Edward VII., 1907.

BILL.

An Act to amend The Municipal Act.

First Reading, 28th February, 1907.

Mr. BRADBURN.

TORONTO:

PRINTED BY L. K. CAMERON,

Printer to the King's Most Excellent Majesty.

No. 156.

BILL.

1907.

An Act to amend The Municipal Act.

HIS MAJESTY, by and with the advice and consent of the
Legislative Assembly of the Province of Ontario, enacts
as follows:—

1. Section 596 of *The Consolidated Municipal Act, 1903*,
5 is amended by adding thereto the following words "and the
council of any municipality may by resolution for and on
behalf of the municipality subscribe for and accept member-
ship in any union of municipalities or proposed union of
municipalities designed for the object or purpose of furthering
10 the interests of municipalities and may pay the fees for such
membership and make any contributions for the expenses
thereof and may pay the expenses of delegates sent to any
meeting of such union or upon the business thereof."

3 Edw. VII,
c. 19, s. 596,
amended.

Membership
in union of
Municipalities.

No. 156.

3rd Session, 11th Legislature,
7 Edward VII., 1907.

BILL.

An Act to amend The Municipal Act.

First Reading, 28th February, 1907.

Mr. CLAPP.

TORONTO:

PRINTED BY L. K. CAMERON,

Printer to the King's Most Excellent Majesty.

No. 157.

BILL.

1907.

An Act to amend The Municipal Act.

HIS MAJESTY, by and with the advice and consent of
the Legislative Assembly of the Province of Ontario,
enacts as follows:—

1. Subsection 6 of section 71a of *The Consolidated* 3 Edw. VII.,
c. 19, s. 71a,
subs. 6,
amended.
5 *Municipal Act, 1903*, is amended by striking out the words
“at an annual municipal election,” in the 4th line thereof.

No. 157.

3rd Session, 11th Legislature,
7 Edward VII., 1907.

BILL.

An Act to amend The Municipal Act.

1st Reading, 28th February, 1907.

Mr. STUDHOLME.

TORONTO:

PRINTED BY L. K. CAMERON,

Printer to the King's Most Excellent Majesty.

No. 158.

BILL.

1907.

An Act to amend The Municipal Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Subsection 2 of section 435 of *The Consolidated Municipal Act, 1903*, as amended by section 15 of *The Municipal Amendment Act, 1904*, is amended by striking out the word "current" where the same first appears in the said section as amended and substituting therefor the word "preceding."
- 3 Edw. VII.,
c. 19, s. 435,
subs. 2.
Limit of
borrowing
powers for cur-
rent expenses.

3rd Session, 11th Legislature,
7 Edward VII., 1907.

BILL.

An Act to amend The Municipal Act.

1st Reading, 28th February, 1907.

Mr. MACDIARMID.

TORONTO:

PRINTED BY L. K. CAMERON,

Printer to the King's Most Excellent Majesty.

An Act to amend The Municipal Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Subsection 1 of section 86 of *The Consolidated Municipal Act, 1903*, is amended by adding to the clause marked "Secondly" in the said section the words: "and all persons whether resident or not who are or whose wives are at the date of the election, and have been for one month previous thereto, tenants in the municipality, whereunder the terms of such tenancy such tenants have agreed with their landlords to pay the taxes upon the demised premises."

3 Edw. VII.
c. 19, s. 86.
subs. 1,
amended.
2. Section 113 of *The Consolidated Municipal Act, 1903*, is amended by adding to the form of oath prescribed therein after the eleventh line thereof the words "or that you have been a tenant (or your wife has been a tenant) within the municipality for one month prior to this election, and that you have (or your wife has) agreed with your landlord to pay the taxes upon the demised premises."

3 Edw. VII.
c. 19, s. 113.

Qualifications
of tenants.
3. Subsection 9 of section 586 of *The Consolidated Municipal Act, 1903*, is amended by striking out the words "firing of guns or other firearms," and substituting therefor the words "the carrying or firing of guns or other firearms on the public highways or in other public places within the municipality."

3 Edw. VII.
c. 19, s. 586.
subs. 9,
amended.

No. 159.

3rd Session, 11th Legislature,
7 Edward VII., 1907.

BILL.

An Act to amend The Municipal Act.

First Reading, 28th February, 1907.

Mr. LENNOX.

TORONTO:

PRINTED BY L. K. CAMERON,

Printer to the King's Most Excellent Majesty.

An Act to amend The Act for the Improvement of
Public Highways.

HIS MAJESTY, by and with the advice and consent of
the Legislative Assembly of the Province of Ontario,
enacts as follows:—

1. Subsection 1 of section 2 of *The Act for the Improve-* 1 Edw. VII.
c. 32, s. 2, subs. 1
amended.
5 *ment of Public Highways* is amended by adding after the
word "townships" in the last line thereof, the words "towns
and incorporated villages not separated from the county."
2. Subsection 2 of section 2 of the said Act is amended 1 Edw. VII.
c. 32, s. 2, subs. 2
amended.
10 by adding after the word "townships" in the first line
thereof, the words "towns and incorporated villages not
separated from the county."
3. Subsection 3 of section 1 of the said Act is amended 1 Edw. VII.
c. 32, s. 1, subs. 3
amended.
15 by striking out the words "township councils" in the second
line thereof, and substituting therefor the words "councils
of the townships, towns and incorporated villages not sepa-
rated from the county;" by striking out the word "town-
ships" in the third line thereof, and substituting therefor
the word "such," and by adding after the word "town-
ships" in the fifth line thereof, the words "towns and in-
20 corporated villages" not separated from the county.
4. Subsection 4 of section 1 of the said Act is amended by 1 Edw. VII.
c. 32, s. 1, subs. 4
amended.
25 striking out the word "townships" in the first and second
lines thereof, and by adding after the word "councils" in
the second line thereof the words "of such townships, towns
and incorporated villages not separated from the county,"
and by adding after the word "townships" in the eighth
line thereof, the words "town or incorporated village not
separated from the county."

1 Edw. VII,
c. 32, s. 9,
repealed.

3 Edw. VII,
c. 26, s. 5
amended.

5. Section 9 of the said Act is repealed.

6. Section 5 of the Act to amend the said Act, passed in the third year of His Majesty's reign and chaptered 26, is amended by adding after the word "townships" in the third line thereof, the words "towns or in- 5
corporated villages, not separated from the county;"
by adding after the word "township" in the fifth line thereof, the words "town or incorporated village not separated from the county;" by striking out the words "or townships" in the seventh and eighth lines thereof and substituting therefor the words "town or incorporated village not separated from the county or in such townships, towns and incorporated villages not separated from the county," and by adding to the end thereof the words "but notwithstanding anything in this Act contained, such highways so im- 15
proved in such towns and incorporated villages shall not form a part of the county system of highways."

3 Edw. VII,
c. 26, s. 7
repealed.

7. Section 7 of the said Act passed in the 3rd year of His Majesty's reign, chaptered 26, is repealed.

No. 160.

3rd Session, 11th Legislature,
7 Edward VII., 1907.

BILL.

An Act to amend The Act for the Improve-
ment of Public Highways.

First Reading, 28th February, 1907.

Mr. LENNOX.

TORONTO:

PRINTED BY L. K. CAMERON,

Printer to the King's Most Excellent Majesty.

No. 161.

BILL.

1907.

An Act to amend The Municipal Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 667 of *The Consolidated Municipal Act, 1903*, ^{3 Edw. VII., c. 19, s. 667,} is amended by adding after the word "improvement" in the ^{amended.} sixth line the words "the whole or any part of."

No. 161.

3rd Session, 11th Legislature,
7 Edward VII., 1907.

BILL.

An Act to amend The Municipal Act.

First Reading, 28th February, 1907.

MR. THOMPSON,
(Sinnco.)

TORONTO:

PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

An Act to amend The Act to Prevent the Spread
of Noxious Weeds and of Diseases affecting
Fruit Trees.

HIS MAJESTY, by and with the advice and consent
of the Legislative Assembly of the Province of On-
tario, enacts as follows:—

1. Subsection 1 of section 8 of *The Act to prevent the* Rev. Stat. c. 279
5 *Spread of Noxious Weeds and Diseases affecting Fruit* s. 8 sub-sec. 1.
Trees as enacted by section 2 of the Act passed in the 4th
year of His Majesty's reign, chaptered 27, is amended
by adding the following words, at the beginning of such
subsection, "subject to any by-law which may be passed
10 pursuant to the proviso hereinafter contained," and by
adding thereto the following proviso:—

"Provided always that the council of any municipality
may by by-law direct that the overseers of highways in
such municipality shall see that the provisions of this Act
15 relating to noxious weeds are carried out within their re-
spective highway divisions by cutting down or destroying
or causing to be cut down or destroyed at the proper times
to prevent the ripening of their seed all the noxious weeds
growing in the highways or road allowances within their
20 respective divisions and may in such by-law direct that
such work be performed as part of the ordinary statute
labour or be paid for at a reasonable rate by the treasurer
of the municipality as such council may see fit."

By-laws to pro-
vide for de-
struction of
weeds by over-
seers of high-
ways.

3rd Session, 11th Legislature,
7 Edward VII., 1907.

BILL.

An Act to amend The Act to Prevent the
Spread of Noxious Weeds and Diseases
affecting Fruit Trees.

First Reading, 28th February, 1907.

Mr. LENNOX

TORONTO:

PRINTED BY L. K. CAMERON,

Printer to the King's Most Excellent Majesty.

No. 163.

BILL.

1907.

An Act to amend The Municipal Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 683 of *The Consolidated Municipal Act, 1903*, ^{3 Edw. VII., c. 19, s. 683,} is amended by adding after the word "worship" in the ^{amended.} second line the words "and lands owned by any municipal corporation other than the corporation imposing the tax."

No. 163.

3rd Session, 11th Legislature,
7 Edward VII., 1907.

BILL.

An Act to amend The Municipal Act.

1st Reading, 28th February, 1907.

Mr. THOMPSON,
(Sinnce.)

TORONTO:

PRINTED BY L. K. CAMERON,

Printer to the King's Most Excellent Majesty.

An Act to amend The Municipal Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Subsection 9 of section 524 of *The Consolidated Municipal Act, 1903*, is repealed and the following substituted therefor:—

3 Edw. VII.
c. 19, s. 524,
subs. 9,
repealed.

- (9) In any case where a person sent to the House of Refuge has not resided continuously in the local municipality from which he is sent for a period of one year prior to his commitment and when his place of residence previous to his coming to reside in such local municipality is unknown, or when such person so committed and not having resided continuously in the local municipality prior to his commitment for such period of one year, has previous to his residence in such local municipality resided in the county in which the House of Refuge to which he is committed is situate, the cost of maintaining such person shall, save as hereinafter provided for, be borne wholly by the county in which such House of Refuge is situate.
- 10 commitment and when his place of residence previous to his coming to reside in such local municipality is unknown, or when such person so committed and not having resided continuously in the local municipality prior to his commitment for such period of one year, has previous to his residence in such local municipality resided in the county in which the House of Refuge to which he is committed is situate, the cost of maintaining such person shall, save as hereinafter provided for, be borne wholly by the county in which such House of Refuge is situate.
- 15 dence in such local municipality resided in the county in which the House of Refuge to which he is committed is situate, the cost of maintaining such person shall, save as hereinafter provided for, be borne wholly by the county in which such House of Refuge is situate.
- 20 Provided always that when within the period of fifteen months prior to such commitment the person so committed shall have resided for a period of one year in some other county, the cost of maintaining such person shall be borne wholly by such other county and such cost of maintenance may be recovered by action against such other county by the county maintaining such person.

Maintenance of
non-residents
sent to house
of refuge.

Proviso

No. 164.

3rd Session, 11th Legislature,
7 Edward VII., 1907.

BILL.

An Act to amend The Municipal Act.

First Reading, 28th February, 1907.

Mr. THOMPSON,
(Simcoe).

TORONTO:

PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

An Act to amend The Assessment Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. *The Assessment Act* is amended by inserting therein the following as section 15a:—

4 Edw. VII.
c. 23.

15a. The conduits, pipes or other structures for the transmission of gas, oil or water under or along any road forming the boundary line between two or more municipalities, whether such boundary line is owned or controlled by the corporation of the county or by the municipalities adjacent thereto and whether such conduits, pipes or other means of transmission are situate within the actual limits of one municipality or another, shall be assessed at their actual value as an integral part of the system of the person or corporation owning or using the same as follows:—

Assessment of
pipes, etc., on
township
boundaries.

(a) The assessors of each of the local municipalities adjacent to the said boundary line shall together assess that portion of such conduits, pipes or other means of transmission lying between their respective municipalities, and one-half of the value of any such conduits, pipes or other means of transmission shall be assessed in each of such local municipalities.

(b) In case the assessors of the said adjacent municipalities do not agree upon the value at which such conduits, pipe line or other means of transmission shall be assessed either of them may apply to The Ontario Railway and Municipal Board for an appointment to determine the matter in dispute and the Board may, after notice to each of the assessors of other municipalities upon such boundary line, fix a date for determining the matter in dispute, and may hear and determine the same, and the decision of the Board shall be final and shall not be subject to appeal of any county adjacent to such boundary line.

No. 165.

3rd Session, 14th Legislature,
7 Edward VII., 1907.

BILL.

An Act to amend The Assessment Act.

First Reading, 28th February, 1907.

Mr. REED.

TORONTO:

PRINTED BY L. K. CAMERON,

Printer to the King's Most Excellent Majesty.

No. 166.

BILL.

1907.

An Act to amend The Municipal Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. *The Consolidated Municipal Act, 1903*, is amended 3 Edw. VII. c. 19 amended.
5 by adding thereto the following section:

121. Notwithstanding anything contained in this Act By-law fixing last Monday in November for nominations.
the council of any city may by by-law passed not later than
the 15th day of October in any year, fix and appoint the
last Monday in November as the day for the meeting of
10 electors for the nomination of candidates for mayor, controllers and aldermen, and for school trustees or members of the board of education when by law the nomination for school trustees or members of the board of education is to be held at the same time and place as for aldermen, and in
15 and by such by-law the hour of nomination may be fixed at any time in the day or evening not earlier than 10 o'clock in the forenoon and not later than 9 o'clock in the evening, and where a poll or polls become necessary, the same shall be held on the first Monday in December. But
20 any such by-law before the final passing thereof shall receive the assent of the electors of the municipality in the manner provided by this Act.

3rd Session, 11th Legislature,
7 Edward VII., 1907.

BILL.

An Act to amend The Municipal Act.

First Reading, 28th February, 1907.

Mr. PRESTON
(Brant).

TORONTO:

PRINTED BY L. K. CAMERON,

Printer to the King's Most Excellent Majesty.

No. 167.

BILL.

1907.

An Act to amend The Assessment Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

I. Section 36 of *The Assessment Act* is amended by adding thereto the following sub-section: 4 Edw. VII, c. 23. s. 36, amended.

(4) Where the mineral rights in any lands have been sold or leased to some person other than the owner of the surface rights but such mineral rights have not been exercised, then whether or not the existence of minerals in such lands is known, such mineral rights shall be separately assessed and for the purposes of such assessment shall be valued at the actual amount paid therefor in case such mineral rights have been sold, and in case the same are held under lease then at such an amount as will represent the capitalization of the annual rental value of such rights and such annual rental value shall be taken to be five per cent. of the actual value of such mineral rights. Assessment of mineral rights when served from surface rights.

No. 167.

3rd Session, 11th Legislature,
7 Edward VII., 1907.

BILL.

An Act to amend The Assessment Act.

First Reading, 28th February, 1907.

Mr. AULD.

TORONTO:

PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

No. 168.

BILL.

1907.

An Act to amend The Municipal Light and Heat Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :

1. Subsection 1 or section 3 of *The Municipal Light and Heat Act* is amended by adding after the word "manufacture" in the second line thereof the words "acquire by purchase or contract from any person or company" and by adding after the word "manufacture" in the fourth and fifth lines thereof the words "acquire by purchase or contract from any person or company any such supply of such gas, electric, galvanic or other artificial light or heat, either in connection with gas or otherwise."
- 5
10
- Rev. Stat.,
c. 234, s. 3,
subs. 1,
amended.

No. 168.

3rd Session, 11th Legislature,
7 Edward VII., 1907.

BILL.

An Act to amend The Municipal Light
and Heat Act.

First Reading: 28th February, 1907.

Mr. PRESTON
(Brant.)

PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

No. 169.

BILL.

1907.

An Act to amend The Municipal Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 567a of *The Consolidated Municipal Act, 1903*, 3 Edw. VII., c. 19, s. 567a, amended.
5 is amended by adding after the word "Act" in the sixth line thereof the words "or has acquired by purchase or contract from any person or corporation any gas, electric, galvanic or other artificial light or heat either in connection with gas or otherwise" and by adding after the word "heat" in the
10 tenth line thereof the words "or which is so acquired or contracted for."

No. 169.

3rd Session, 11th Legislature,
7 Edward VII., 1907.

BILL.

An Act to amend The Municipal Act.

First Reading, 28th February, 1907.

Mr. PRESTON.
(Brant).

TORONTO:

PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

An Act to amend The Assessment Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 40 of *The Assessment Act* is amended by adding
5 the following subsection:—

4 Edw. VII.,
e, 23. s. 40,
amended.

(4). In any town or village in which there are lands used
as farm lands only and in blocks of not less than twenty-five
acres by any one person, the council in striking the rate of
taxation for the year shall only impose upon such lands a
10 rate equal to three-fifths of the general rate of taxation
imposed upon the other ratable property of the municipality
for the purpose of the expenditure of the municipality, but
nothing in this subsection contained shall exempt or relieve
such lands from the general rate for the payment of any
15 debenture debt contracted or renewed in whole or in part
before the passing of this Act.

Farm lands in
towns and
villages.

3rd Session, 11th Legislature,
7 Edward VII., 1907.

BILL.

An Act to amend The Assessment Act.

First Reading, 28th February, 1907.

Mr. TUCKER.

TORONTO:

PRINTED BY L. K. CAMERON,

Printer to the King's Most Excellent Majesty.

An Act to amend The Municipal Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 302 of *The Consolidated Municipal Act, 1903*, 3 Edw. VII, c. 19, s. 302 amended.
 5 is amended by adding at the end thereof the following words:—
 “An auditor may administer an oath or affirmation to any person concerning any account or other matter to be audited.” Power to administer oaths.
- 10 2. Subsection 1 of section 534 of the said Act is amended by striking out the word “obtaining” in the first line, and inserting in lieu thereof the words “entering on, taking and acquiring without the consent of the owner.” 3 Ed. VII, c. 19, s. 534, subs. 1 amended.
- 15 3. The said Act is amended by adding thereto the following section:— 3 Edw. VII, c. 19 amended.
 534*a*. No length of possession adverse to a municipality shall enable any person to obtain title to or to retain possession of any land owned by a municipality. Adverse possession.
- 20 4. Subsection (*b*) of section 541*a* of the said Act, as enacted by section 19 of *The Municipal Amendment Act, 1904*, is amended by striking out the word “and” after the word “stores” therein, and by adding at the end thereof the following words:— 3 Edw. VII, c. 19, s. 541 (a) amended.
 “blacksmith shops, forges, dog kennels, hospitals or infirmaries for horses or dogs, and buildings for the purposes of the generation, conversion or distribution of electric power or the translation of mechanical power into electric power, or *vice versa*.” Blacksmith forges, etc.
- 25 5. The paragraph immediately preceding subsection 39 of section 583 of the said Act is amended by striking out all 3 Edw. VII, c. 19, s. 583, subs. 39 amended.

Laundry
licenses.

the words after the word "cities" in the first line thereof, and the said subsection 39 is amended by adding at the end thereof the words: "The council may in any such by-law provide that any such license may be refused when in the opinion of the council it is not desirable to grant the same." 5

3 Edw. VII, c.
19, s. 586, subs.
6 amended.

6. Subsection 6 of section 586 of the said Act is repealed and the following substituted therefor:—

Smoke
prevention.

"6. For compelling the owner, lessee, tenant, agent, manager or occupant of any premises, steam engine, locomotive or steamboat, in which a fire is burned, and every person 10 who operates, uses or causes or permits to be used any furnace or fire within the limits of the municipality, to prevent the emission to the atmosphere from such fire, of opaque or dense smoke for a period of more than six minutes in any one hour. The point at which such emission 15 shall be determined shall be that point at which the smoke is discharged from the opening, flue, stack or chimney to the atmosphere. Nothing herein contained shall apply to private dwelling houses except they be apartment houses of a greater height than three storeys and basement." 20

3 Edw. VII, c.
19, s. 664, subs.
2 amended.

7. Subsection 2 of section 664 of the said Act as amended by 5 Edw. VII., Chapter 22, section 33, is hereby amended by adding thereto the following:—

Conduits
for wires.

"(h) For constructing, extending and maintaining conduits or mains for telephone, telegraph or electric light 25 wires, and for making agreements for the use of such conduits or mains and for applying the rental received upon the cost thereof."

3 Edw. VII, c.
19, s. 675
amended.

8. The said Act is amended by adding thereto the following section:— 30

Street exten-
sions, etc.

"675b. In case the engineer of a city, which has adopted the local improvement system with respect to the opening, widening or extension of streets in accordance with section 682 of this Act, reports, and the council of such city, by resolution or the adoption of the report passed on a two- 35 thirds vote of all the members thereof, affirms that it is necessary and in the interests of the city at large that a public street should be opened, widened or extended and that it would be inequitable to assess the whole cost of such opening, widening or extension upon the property in the 40 immediate neighborhood thereof, the corporation of such city, notwithstanding that a sufficiently signed petition against the same has been presented, may carry out such work, but the corporation shall in such case pay out of the general funds of the municipality at least twenty-five per 45 cent. of the total cost of the work after deducting the usual

and legal allowances assumed by the municipality in local improvement works, and the remainder of the cost shall be assessed and levied upon the real property benefited by such work to be ascertained in the manner provided by this Act

5 and the provisions of this Act in respect to local improvement works shall (except as varied by this section) apply to such street opening, widening or extension. The share or proportion of the cost of such work which should be assumed by the municipality shall be subject to an appeal to the

10 Court of Revision and the county judge, and may be decreased or increased upon such appeal."

3rd Session, 11th Legislature,
7 Edward VII., 1907.

BILL.

An Act to amend The Municipal Act.

First Reading, 28th February, 1907.

Mr. McNAUGHT.

TORONTO:

PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

No. 172.

BILL.

1907.

An Act to amend The Assessment Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. Sub-section (1) of section 40 of *The Assessment Act* is
5 amended by striking out the word "cities" in the third line
thereof; also by striking out the words "two acres in cities
and ten acres in towns and villages" in the seventh and
eighth lines thereof and substituting therefor the words "ten
acres."
- 4 Edw. VII
c. 23, s. 40,
subs. 1,
amended;

No. 172.

3rd Session, 11th Legislature,
7 Edward VII., 1907.

BILL.

An Act to amend The Assessment Act.

First Reading, 28th February, 1907.

Mr. McNAUGHT.

TORONTO:

PRINTED BY L. K. CAMERON,

Printer to the King's Most Excellent Majesty.

No. 173

BILL.

1907

An Act to amend The Registry Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Subsection 2 of section 102 of *The Registry Act* is Rev. Stat. c. 136, s. 102, subs. 2, amended.
5 amended by striking out all words after the word "which" in the third line of the said subsection, and inserting in lieu thereof: "any street, road or lane is laid out, unless the assent of the proper municipal council is registered therewith."

No. 173.

3rd Session, 11th Legislature,
7 Edward VII., 1907.

BILL.

An Act to amend The Registry Act.

First Reading, 28th February, 1907.

Mr. MAY.

TORONTO:

PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

An Act to amend The Act respecting Municipal
Sanitoria for Consumptives.

HIS MAJESTY, by and with the advice and consent
of the Legislative Assembly of the Province of
Ontario, enacts as follows:—

1. Section 9 of the Act passed in the 63rd year of the
5 reign of Her late Majesty Queen Victoria, Chaptered 57,
is amended by striking out all the words after the word
“thereof” in the third line of the said section, and by-
adding thereto the following subsections:—

63 V. c. 57, s. 9,
amended.

(1) The trustees shall have the right and they are hereby
10 empowered to enter upon, take and use all necessary and
convenient lands and buildings for the purposes of the
trustees, making compensation therefor to the owner,
occupier or other person having an interest in the said
lands and buildings.

Trustees may
expropriate
lands for
sanitorium.

(2) For the purposes of the preceding subsection the
15 trustees shall have all the powers conferred upon municipi-
pal corporations by *The Consolidated Municipal Act*,
1903, as to entering upon, taking and using lands required
for the use of such corporations and, save as hereinafter
20 provided, sections 437 to 465 shall *mutatis mutandis* apply
to the trustees and to the exercise by them of the powers
hereby conferred as if the trustees had been named therein
instead of any municipal corporation and as if the secre-
tary of the Board of Trustees had been named therein in-
25 stead of the clerk of the municipality.

Application of
3 Edw. VII.
c. 19.

No. 174.

3rd Session, 12th Legislature,
6 Edward VII, 1907.

BILL.

An Act to Amend The Act respecting
Municipal Sanatoria for Consumptives.

First Reading, 1st March, 1907.

Mr. DOWNEY.

TORONTO :

PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

An Act to amend The Act respecting Municipal
Sanitoria for Consumptives.

HIS MAJESTY, by and with the advice and consent
of the Legislative Assembly of the Province of
Ontario, enacts as follows:—

1. Section 9 of the Act passed in the 63rd year of the reign of Her late Majesty Queen Victoria, Chaptered 57, is amended by striking out all the words after the word "thereof" in the third line of the said section, and by adding thereto the following subsections:—

63 V. c. 57, s. 9.
amended.

(1) The trustees shall have the right and they are hereby empowered to enter upon, take and use all necessary and convenient lands and buildings for the purposes of the trustees, making compensation therefor to the owner, occupier or other person having an interest in the said lands and buildings.

Trustees may
expropriate
lands for
sanitorium.

(2) For the purposes of the preceding subsection the trustees shall have all the powers conferred upon municipal corporations by *The Consolidated Municipal Act, 1903*, as to entering upon, taking and using lands required for the use of such corporations and sections 437 to 465 of the said Act shall *mutatis mutandis* apply to the trustees and to the exercise by them of the powers hereby conferred as if the trustees had been named therein instead of any municipal corporation and as if the *chairman* of the Board of Trustees had been named therein instead of the clerk of the municipality.

Application of
3 Edw. VII.
c. 19.

3rd Session, 12th Legislature,
6 Edward VII, 1907.

BILL.

An Act to Amend The Act respecting
Municipal Sanatoria for Consumptives.

First Reading,	1st March, 1907.
Second Reading,	11th March, 1907.

*(Reprinted as amended by the Municipal
Committee.)*

Mr. DOWNEY.

TORONTO:

PRINTED BY L. K. CAMERON,

Printer to the King's Most Excellent Majesty.

An Act respecting Burlington Beach.

WHEREAS the lands hereinafter described Known as Preamble.
Burlington Beach are comprised partly of lands which are the property of the Crown, other lands owned by private individuals and lands held under leases by private individuals; and whereas by lease dated November 28th, 1874, and a supplementary lease dated October 1st, 1886, portions of the said lands were demised by Her Late Majesty, Queen Victoria to the Corporation of the City of Hamilton during pleasure; and whereas in exercise of a power reserved in the said lease the same were by Order in Council, dated January 7th, 1907, cancelled and revoked; and whereas the said lands were originally intended to be reserved principally for park purposes: and whereas from time to time during the currency of the said lease the said Corporation of the City of Hamilton, executed sub-leases, and in other ways made certain dispositions of portions of the said lands to persons now in possession of such portions under the said sub-leases; and whereas the said lands are crossed and traversed by steam and electric railways, and by the right of way of the Toronto and Niagara Power Company, owned by the said company for transmission of power; and whereas there is a canal crossing the said lands, and a beach on both sides of the same, facing the waters respectively of Burlington Bay, and of Lake Ontario; and whereas the said lands are largely occupied by people who use the same for residences during the summer, and for purposes of recreation and pleasure; and whereas it is deemed advisable that the government and supervision of the said lands, and of the inhabitants thereof should be conducted in a manner different from the usual municipal system of Government as carried on in this Province, and vested in a Board of Commissioners to be appointed by the Lieutenant-Governor in Council.

Therefore, His Majesty by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short title.

1. This Act may be cited as *The Burlington Beach Act*.

Board of
commissioners
appointed.

2.—(1) The Lieutenant-Governor in Council may from time to time appoint a Board of Commissioners to be composed of such persons, not less than two, as the Lieutenant-Governor in Council may see fit.

5

Board
incorporated.

(2) The said Board shall be a corporation by the name of "The Burlington Beach Commission," and shall have a corporate seal.

Tenure of
office
vacancies.

(3) The members of the said Board shall hold office during the pleasure of the Lieutenant-Governor in Council, and 10 the Lieutenant-Governor in Council may upon the death, resignation or removal from office of any member or members of the said Board, appoint another person or persons to fill the position so becoming vacant by death, resignation or removal.

15

Beach vested
in commission.

3. The lands known as Burlington Beach which lands are more particularly described as follows:—

All those parcels or tracts of land and premises known as portions of Burlington Beach, in the township of Saltfleet, in the county of Wentworth, as shown and colored red on 20 parts of a plan of survey, by Thomas C. Brownjohn, P.L.S., dated Hamilton, September 25th, 1874, of record in the Department of Lands, Forests and Mines, which said parts of said Burlington Beach are abutted and bounded as follows:—

25

First. Commencing at the point A as shown on said plan, in the southern limit of the county of Halton; thence easterly along the said limit to the easterly shore of the beach, at the point B as shown on said plan; thence southerly along the said beach to the point C as shown on said 30 plan at the intersection of the northerly limit of the Burlington Canal Reserve; thence westerly along the northerly limit of said reserve to the westerly shore of said beach, at the point D as shown on said plan; thence northerly along the said beach to the point A as shown on said plan, the 35 place of beginning.

Second. Also all that other parcel of land, being portion of said beach, commencing at the point E on said plan in the southern limit of the Burlington Canal Reserve; thence easterly along the said limit to the easterly shore of the 40 beach at the point F as shown on said plan; thence southerly along the said beach to the point G as shown on the said plan, being the point of intersection with the north side of the road between lots Nos. 28 and 29, in the 1st concession of the township of Saltfleet, produced easterly 45 to said beach; thence westerly along the northerly side of said road produced to the westerly shore of said beach at

the point H as shown on said plan; thence northerly along the said beach to the point E as shown on said plan, the place of beginning.

Third. The Burlington Canal Reserve.

- 5 Fourth. The promontory extending into Burlington Bay from the said beach, which is not colored red on the said plan by said Brownjohn, and which said promontory extends from a point a little north of the northerly boundary of the lands granted to Frank E. Walker, by letters patent, 10 dated 18th May, 1896, and extending southerly to a point opposite the lands granted to James Crooks, by letters patent, dated 7th April, 1897.

Fifth. Land under the waters of Burlington Bay and Lake Ontario, adjoining said beach which may be required 15 for water lots and kindred purposes.

are hereby vested in the said corporation, and the same shall be held by the said corporation in trust for the Crown.

4. It shall be the duty of the commissioners, and they are hereby empowered to enquire into, and ascertain the 20 facts concerning all sub-leases, all portions of the said lands held under sub-leases from the Corporation of the City of Hamilton, or otherwise; the names of the persons holding the same, the amounts of rents reserved, or other payments provided for in the same, the terms and conditions under which such sub-leases are made, and all other 25 particulars in connection with the same.

5. The Commissioner shall have the power to demand, collect and receive from persons now in occupation of the said lands under such sub-lease, any moneys due and unpaid at the time of the passing of this Act for rent or otherwise in respect thereof. 30

6. The Commissioners shall after making such enquiries as aforesaid report to the Lieutenant-Governor in Council all facts in connection therewith, and shall make such recommendation to the Lieutenant-Governor in Council as to 35 the terms and conditions upon which any of such lands should be leased, sold or otherwise disposed of to the present occupants of the said lands, or to other persons as to the Commissioners may seem just and proper under the circumstances of each respective case. 40

7. The commissioners, with the approval of the Lieutenant-Governor in Council and subject to such regulations as may be approved by the Lieutenant-Governor in Council, may make such dispositions by lease, sale or otherwise as 45 may be approved by the Lieutenant-Governor in Council as aforesaid.

Collection of
rents and
return to
Treasurer.

8. The commissioners shall collect all rents, taxes or other moneys accruing due in respect of all such lands after the same become due, and may expend so much of the moneys received therefrom as may in their opinion be necessary or expedient in beautifying or otherwise improving the lands aforesaid as a park and place of public resort, and for all purposes authorized by this Act, and they shall annually remit on or before the day of in each year to the Treasurer of the Province any surplus that may remain after expending the moneys as aforesaid and as here- 10 inafter provided.

Constables.

9. The commissioners may from time to time appoint a constable or constables who shall have the same powers, and perform the same duties upon the lands aforesaid as a constable appointed by the council of an incorporated vil- 15 lage.

Regulations
and by-laws.

10. The commissioners may make regulations and pass by-laws.

Billiard and
bagatelle
tables.

(1) For licensing, regulating and governing all persons who for hire or gain directly or indirectly keep or 20 have in their possession any billiard or bagatelle table, or who keep or have a billiard or bagatelle table in any house or place of public entertainment or resort, whether such billiard or bagatelle table is used or not, and for determining the time during which licenses shall be in force. 25

License fees.

(2) For fixing the sums to be paid for licenses required under by-laws passed under the preceding clause.

Tobacco
venndes.

(3) For licensing and regulating the owners and keepers of stores and shops other than taverns and shops holding licenses under *The Liquor License Act* where tobacco, cigars 30 or cigarettes are sold by retail, and for revoking any license so granted whenever the commissioners deem such revocation desirable without stating any reason therefor, but in the case of the revocation of a license under any such by-law, the commissioners shall refund to the licensee such 35 proportionate part of the license fee as will represent the unexpired portion of the term for which the license was granted.

License fees.

(4) For fixing the sums to be paid for licenses required under by-laws passed under the preceding clause. 40

Township
by-laws not to
be in force
after by-laws
passed by
commissioners.

(5) After the passing of any such by-laws no general by-law of the township in which the said lands are situate for any of such purposes shall apply in the territory hereinbefore described.

Fire protection.

(6) For making such regulation as to the commissioners 45 may seem proper for protection from fire within the said lands, and for providing such fire appliances as they may

deem necessary for the protection of life and property within the territory comprising the said lands.

(7) And generally for making such rules and regulations ^{Generally.} for the proper government of the said territory as may be approved by the Lieutenant-Governor in Council.

11. By-laws passed by the commissioners shall be duly ^{Authentication} authenticated by the signatures of the commissioners, and ^{of by-laws.} the seal of the corporation and a copy of any such by-law so authenticated shall be of the same force, and shall have
10 the same effect as a copy of any municipal by-law duly certified in the manner provided by section 334 of *The Consolidated Municipal Act, 1903.* ^{3 Edw. VII, c. 19.}

12. The commissioners may in any by-law passed by ^{Penalty for} them provide that the infraction of any of the provisions of ^{infraction of} such by-law shall make the offender liable to a penalty not ^{by-laws.} exceeding \$50, or imprisonment for a term not exceeding sixty days, and such penalties may be enforced by any Justice of the Peace, having jurisdiction within the County of Wentworth.

20 13. It shall be the duty of the commissioners to keep the highways upon the lands aforesaid in proper repair. ^{Highways to be kept in repair.}

14. The commissioners shall have power to provide for ^{Assessment and taxation.} the assessment of all lands situate within the territory hereinbefore described, and collect all moneys due from the
25 owners or occupants of such lands, and to expend such moneys for the purposes hereinbefore set forth, and for such other purposes as may from time to time be approved by the Lieutenant-Governor in Council. No assessment involving the payment of a greater rate on the dollar than
30 that now imposed upon the ratepayers in the said territory shall be made, and no greater tax collected except with the approval of the Lieutenant-Governor in Council.

15. The commissioners shall have power to employ from ^{Officers and workmen.} time to time such officers and workmen as they may deem
35 necessary to carry out the provisions of this Act, and from time to time to dismiss such persons subject to the approval of the Lieutenant-Governor in Council.

16. The commissioners shall cause books to be provided ^{Books of account.} and true and accurate accounts to be entered therein, of all
40 sums of money received and paid out and of the several purposes for which the same were received and paid out, and such books shall be at all times open to the inspection of the Treasurer of the Province, and of any person appointed by him, or by the Lieutenant-Governor in Council, or by a
45 majority of the ratepayers in said territory for such purposes, and any such person may take copies or extracts from such books.

Annual report
to Crown,

17. The commissioners shall on or before the day of
in each year report to the Lieutenant-Governor in
Council the receipts and expenditures of the year, and such
other matters as may appear to them to be of public interest
in relation to the Government of the said territory, or to 5
anything arising out of this Act, and shall in all cases sup-
ply to the Lieutenant-Governor in Council such information
relating thereto as he may direct.

Actions not to
lie against
Board without
consent of
Crown.

18. No action shall be brought against the commissioners
for anything done or omitted to be done under this Act 10
without the approval of the Lieutenant-Governor in Coun-
cil.

Beach separat-
ed from Salt-
fleet and
County.

19. From and after passing of this Act the territory
aforesaid shall be deemed to be separated from and to no
longer form part of the Township of Saltfleet, or of the 15
County of Wentworth for municipal purposes, and shall
cease to be subject to the jurisdiction thereof, but the com-
missioners shall annually return to the said township such
sum of money as would be due to the said township for
school taxes, and to the said county such sum of money as 20
would be due to the said county for a county rate as if the
said territory continued to be a portion of the said township
and county municipalities.

Rev. Stat.
c. 245 to
apply to Beach

20. The provisions of *The Liquor License Act* shall apply
to and remain in force in the said territory as if it remained 25
a portion of the Township of Saltfleet for municipal pur-
poses.

3rd Session, 11th Legislature,
7 Edward VII., 1907.

BILL.

An Act Respecting Burlington Beach.

First Reading, 5th March, 1907.

MR. COCHRANE.

TORONTO:

PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

An Act respecting Burlington Beach.

WHEREAS the lands hereinafter described known as Preamble. Burlington Beach are comprised partly of lands which are the property of the Crown, other lands owned by private individuals and lands held under leases by private individuals; and whereas by lease dated November 28th, 1874, and a supplementary lease dated October 1st, 1886, portions of the said lands were demised by Her Late Majesty, Queen Victoria to the Corporation of the City of Hamilton during pleasure; and whereas in exercise of a power reserved in the said lease the same were by Order in Council, dated January 7th, 1907, cancelled and revoked; and whereas the said lands were originally intended to be reserved principally for park purposes; and whereas from time to time during the currency of the said lease the said the Corporation of the City of Hamilton, executed sub-leases, and in other ways made certain dispositions of portions of the said lands to persons now in possession of such portions under the said sub-leases; and whereas the said lands are crossed and traversed by steam and electric railways, and by the right of way of the Toronto and Niagara Power Company, owned by the said company for transmission of power; and whereas there is a canal crossing the said lands, and a beach on both sides of the same, facing the waters respectively of Burlington Bay, and of Lake Ontario; and whereas the said lands are largely occupied by people who use the same for residences during the summer, and for purposes of recreation and pleasure; and whereas it is deemed advisable that the government and supervision of the said lands, and of the inhabitants thereof should be conducted in a manner different from the usual municipal system of Government as carried on in this Province, and vested in a Board of Commissioners to be appointed by the Lieutenant-Governor in Council.

Therefore, His Majesty by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short title.

1. This Act may be cited as *The Burlington Beach Act*.

Board of
commissioners
appointed.

2.—(1) The Lieutenant-Governor in Council may from time to time appoint a Board of Commissioners to be composed of such persons, not less than two, as the Lieutenant-Governor in Council may see fit.

Board
incorporated.

(2) The said Board shall be a corporation by the name of "The Burlington Beach Commission," and shall have a corporate seal.

Tenure of
office
vacancies.

(3) The members of the said Board shall hold office during the pleasure of the Lieutenant-Governor in Council, and the Lieutenant-Governor in Council may upon the death, resignation or removal from office of any member or members of the said Board, appoint another person or persons to fill the position so becoming vacant by death, resignation or removal.

(4) After the appointment of the said commissioners the Board shall at their first meeting in each year elect one of their members to act as chairman and may appoint a secretary, and such secretary shall have all the rights and powers and perform all the duties that pertain respectively to the position of a clerk and treasurer of an incorporated village.

Beach vested
in commission.

3. All those portions of the lands known as Burlington Beach, which lands are more particularly described as follows:—

All those parcels or tracts of land and premises known as portions of Burlington Beach, in the township of Saltfleet, in the county of Wentworth, as shown and colored red on parts of a plan of survey, by Thomas C. Brownjohn, P.L.S., dated Hamilton, September 25th, 1874, of record in the Department of Lands, Forests and Mines, which said parts of said Burlington Beach are abutted and bounded as follows:—

First. Commencing at the point A as shown on said plan, in the southern limit of the county of Halton; thence easterly along the said limit to the easterly shore of the beach, at the point B as shown on said plan; thence southerly along the said beach to the point C as shown on said plan at the intersection of the northerly limit of the Burlington Canal Reserve; thence westerly along the northerly limit of said reserve to the westerly shore of said beach, at the point D as shown on said plan; thence northerly along the said beach to the point A as shown on said plan, the place of beginning.

Second. Also all that other parcel of land, being portion of said beach, commencing at the point E on said plan in the southern limit of the Burlington Canal Reserve; thence

easterly along the said limit to the easterly shore of the beach at the point F as shown on said plan; thence southerly along the said beach to the point G as shown on the said plan, being the point of intersection with the north side of the road between lots Nos. 28 and 29, in the 1st concession of the Township of Saltfleet, produced easterly to said beach; thence westerly along the northerly side of said road produced to the westerly shore of said beach at the point H as shown on said plan; thence northerly along the said beach to the point E as shown on said plan, the place of beginning.

Third: The Burlington Canal Reserve.

Fourth. The promontory extending into Burlington Bay from the said beach, which is not colored red on the said plan by said Brownjohn, and which said promontory extends from a point a little north of the northerly boundary of the lands granted to Frank E. Walker, by letters patent, dated 18th May, 1896, and extending southerly to a point opposite the lands granted to James Crooks, by letters patent, dated 7th April, 1897.

Fifth. Land under the waters of Burlington Bay and Lake Ontario, adjoining said beach which may be required for water lots and kindred purposes.

in which the fee is vested in the Crown are hereby vested in the said corporation, and the same shall be held by the said corporation in trust for the Crown, and the commissioners shall have jurisdiction over the whole of said territory for the purposes of all powers granted to them under this Act.

4. It shall be the duty of the commissioners, and they are hereby empowered to enquire into, and ascertain the facts concerning *all franchise agreements*, all sub-leases, all portions of the said lands held under sub-leases from the Corporation of the City of Hamilton, or otherwise; the names of the persons holding the same, the amounts of rents reserved, or other payments provided for in the same, the terms and conditions under which such *agreements and sub-leases* are made, and all other particulars in connection with the same.

Board to enquire as to present sub-leases.

5. The Commissioner shall have the power to demand, collect and receive from persons now in occupation or use of the said lands under such *agreements or sub-leases* any moneys due and unpaid at the time of the passing of this Act for rent or otherwise in respect thereof.

Collection of arrears of rent.

6. The Commissioners shall after making such enquiries as aforesaid report to the Lieutenant-Governor in Council all facts in connection therewith, and shall make such re-

Report upon sub-leases.

commendation to the Lieutenant-Governor in Council as to the terms and conditions upon which any of such lands should be leased, sold or otherwise disposed of and rights, privileges and franchises should be granted to the present occupants of the said lands, or to other persons as to the Commissioners may seem just and proper under the circumstances of each respective case.

Regulations,
leases, etc.

7. The commissioners, with the approval of the Lieutenant-Governor in Council and subject to such regulations as may be approved by the Lieutenant-Governor in Council, may make such dispositions by *agreement*, lease, sale or otherwise as may be approved by the Lieutenant-Governor in Council as aforesaid.

Collection of
rents and
return to
Treasurer.

8. The commissioners shall collect all rents, taxes or other moneys accruing due in respect of all such lands after the same become due, and may expend so much of the moneys received therefrom as may in their opinion be necessary or expedient in beautifying or otherwise improving the lands aforesaid as a park and place of public resort, and for all purposes authorized by this Act, and they shall annually remit on or before the *1st* day of *December* in each year to the Treasurer of the Province any surplus that may remain after expending the moneys as aforesaid and as hereinafter provided.

Constables.

9. The commissioners may from time to time appoint a constable or constables who shall have the same powers, and perform the same duties upon the lands aforesaid as a constable appointed by the council of an incorporated village.

Regulations
and by-laws.

10.—(1) The commissioners shall have all the powers granted by section 583 of *The Consolidated Municipal Act, 1903*, to the Board of Commissioners of Police in cities having a population of 100,000 or more.

Billiard and
bagatelle
tables.

(2) And the said commissioners may make regulations and pass by-laws for fixing the sums to be paid for licenses required under the by-laws passed under the preceding clause.

Township
by-laws not to
be in force
after by-laws
passed by
commissioners.

(2) After the passing of any such by-laws no general by-law of the township in which the said lands are situate for any of such purposes shall apply in the territory hereinbefore described.

Fire protection.

(3) For making such regulation as to the commissioners may seem proper for protection from fire within the said lands, and for providing such fire appliances as they may deem necessary for the protection of life and property within the territory comprising the said lands.

(4) For letting contracts or employing labour and purchasing material for building sidewalks, culverts, putting in drains and improving and beautifying the lands aforesaid as a park and place of public resort and doing all things necessary for such purposes, and the commissioners may pass by-laws for entering into contracts for the supply of water, light or heat by any person or company to Burlington Beach or the residents therein and doing all things necessary for such purposes within the limits of Burlington Beach. Powers of Commissioners.

(5) And generally for making such rules and regulations for the proper government of the said territory as may be approved by the Lieutenant-Governor in Council. Generally.

11. By-laws passed by the commissioners shall be duly authenticated by the signatures of the commissioners, and the seal of the corporation and a copy of any such by-law so authenticated shall be of the same force, and shall have the same effect as a copy of any municipal by-law duly certified in the manner provided by section 334 of *The Consolidated Municipal Act, 1903*. Authentication of by-laws. 3 Edw. VII, c. 19.

12. The commissioners may in any by-law passed by them provide that the infraction of any of the provisions of such by-law shall make the offender liable to a penalty not exceeding \$50, or imprisonment for a term not exceeding sixty days, and such penalties may be enforced by any Justice of the Peace, having jurisdiction within the County of Wentworth. Penalty for infraction of by-laws.

13. All sums collected for license fees or for penalties for offences against any by-law passed by the commissioners shall be paid over to the said commissioners. Application of license fees and penalties.

14. It shall be the duty of the commissioners to keep the highways upon the lands aforesaid in proper repair. Highways to be kept in repair.

15. In case any railway operating by electricity upon a highway or any portion of which is so operated has been heretofore constructed in said territory under any agreement with the council of the Township of Saltfleet then so far as such agreement relates to the maintenance and repair of the tracks and roadbed of the railway or the remaining portions of the highway or highways in said territory over which the railway is operated and to the removal of snow and ice from the company's tracks and the disposal of such snow and ice upon the highway or elsewhere the said commissioners shall, in respect of that portion of the railway in said territory, be substituted for and have all the rights and may exercise all the powers and be subject to the same duties as the said Township of Saltfleet under Commissioners subrogated to rights of township as to agreements with railway companies.

said agreement and any officer or person named therein and charged with the performance of any duty in respect to matters aforesaid thereunder. ~~■~~

Railway tracks
to conform to
grades.

~~■~~ 16. All railway companies occupying the said highways shall cause their tracks to conform to the grades of the said highways and shall maintain the same in such manner as shall least obstruct the free and ordinary use of the said highways and the passage of vehicles over the same, and the upper surface of the rails shall be laid flush with the surface of the highways and shall conform to the grade thereof. ~~■~~

Assessment
and taxation.

17. The commissioners shall have power to provide for the assessment of all lands situate within the territory hereinbefore described, ~~■~~ and shall as to such territory perform and possess all the duties and powers provided for by *The Assessment Act* and *The Ontario Voters' Lists Act* in the case of clerks, assessors and collectors in townships, ~~■~~ and for the collection of all moneys due from the owners or occupants of such lands, and to expend such moneys for the purposes hereinbefore set forth, and for such other purposes as may from time to time be approved by the Lieutenant-Governor in Council. No assessment involving the payment of a greater rate on the dollar than that now imposed upon the ratepayers in the said territory shall be made, and no greater tax collected except with the approval of the Lieutenant-Governor in Council.

Officers and
workmen.

18. The commissioners shall have power to employ from time to time such officers and workmen as they may deem necessary to carry out the provisions of this Act, and from time to time to dismiss such persons subject to the approval of the Lieutenant-Governor in Council.

Books of
account.

19.—(1) The commissioners shall cause books to be provided and true and accurate accounts to be entered therein, of all sums of money received and paid out and of the several purposes for which the same were received and paid out, and such books shall be at all times open to the inspection of the Treasurer of the Province, and of any person appointed by him, or by the Lieutenant-Governor in Council, or by a majority of the ratepayers in said territory for such purposes, and any such person may take copies or extracts from such books.

~~■~~ (2) Sections 24 to 27 of *The Act to provide for the better Auditing of the Public Accounts of the Province* shall apply to the accounts of the commissioners in respect of receipts and expenditures. ~~■~~

~~■~~ (3) A summary of the receipts and expenditures shall be published annually in a newspaper published in the City of Hamilton. ~~■~~

20. The commissioners shall on or before the 1st day of December in each year report to the Lieutenant-Governor in Council the receipts and expenditures of the year, and such other matters as may appear to them to be of public interest in relation to the Government of the said territory, or to anything arising out of this Act, and shall in all cases supply to the Lieutenant-Governor in Council such information relating thereto as he may direct.

Annual report to Crown.

21. No action shall be brought against the commissioners for anything done or omitted to be done under this Act without the approval of the Lieutenant-Governor in Council.

Action not to lie against Board without consent of Crown.

22. From and after the passing of this Act the territory aforesaid shall be deemed to be separated from and to no longer form part of the Township of Saltfleet, or of the County of Wentworth for municipal purposes, and shall cease to be subject to the jurisdiction thereof, but the commissioners shall annually return, until the year 1925, inclusive, and no longer, to the said township such sum of money as would be due to the said township for school taxes, and thereafter such sum as would be due to the said township for school section number 4 taxes and to the said county until the year 1933, inclusive, and no longer such sum of money as would be due to the said county for a county rate as if the said territory continued to be a portion of the said township and county municipalities.

Beach separated from Saltfleet and County.

23. The provisions of *The Liquor License Act* shall apply to and remain in force in the said territory as if it remained a portion of the Township of Saltfleet for municipal purposes, but the proportion of the license fund of the license district which would be otherwise payable to the said township in respect of said territory shall belong to and be paid to the said commissioners. Provided however that no more than three licenses shall be granted for said territory.

Rev. Stat. c. 245 to apply to Beach

24. For purposes of elections to the Legislative Assembly the said territory shall be and remain a portion of the said Township of Saltfleet, and all persons in said territory possessing the necessary qualifications shall be entitled to be placed on the voters' lists of the said township, and for such purposes the said commissioners shall annually before the 1st day of June, prepare and furnish to the clerk of the said township a list of persons so qualified, and for the information of the said clerk shall furnish all particulars required in preparing his lists under *The Ontario Voters' Lists Act*.

Voting at elections to Legislative Assembly.

25. For all judicial purposes the said territory shall be and remain a portion of the County of Wentworth.

Annexation to Wentworth for judicial purposes.

3rd Session, 11th Legislature,
7 Edward VII., 1907.

BILL.

An Act Respecting Burlington Beach.

First Reading, 5th March, 1907.
Second Reading, 13th March, 1907.

*Printed with suggested amendments for
Committee of the Whole House.*

Mr. COCHRANE.

TORONTO:

PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty

An Act respecting Stationary Engineers.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. In this Act “steam plant” shall mean and include
5 a steam boiler, boiler and steam engine and every part thereof and thing connected therewith or used with reference to any such boiler or engine or under the care of an engineer, but nothing in this Act contained shall apply to the operation of any steam plant having a capacity
10 of less than fifty horse power nor to the operation of a locomotive engine or steamboat or steamship engine.

(2) “The Board” shall mean the Board of Examiners to be appointed as hereinafter provided.

2. The Lieutenant-Governor in Council may from time
15 to time appoint a Board of Examiners consisting of three competent and independent engineers practically conversant with the construction of boilers and the operation of steam plants, who shall hold office during pleasure and who shall, subject to the regulations referred to in the
20 next section, prescribe the subjects in which candidates for certificates of qualification as stationary engineers shall be examined, and who shall conduct examinations of candidates or provide for and supervise the examination of candidates and report thereon to the Minister of
25 Agriculture.

3. The Lieutenant-Governor in Council upon the recommendation of the Minister of Agriculture may from time to time make regulations:

30 (a) For the examination of candidates for certificates of qualification, the granting of such certificates and the evidence to be furnished by candidates as to previous training or experience and sobriety and as to good character;

- (b) For determining the time of continuance of such certificates and the renewal of the same;
- (c) For fixing the fees to be paid by such candidates upon any such examination or for any license or certificate of qualification or renewal thereof; 5
- (d) For prescribing the causes for which any license or certificate may be revoked, cancelled or suspended;
- (e) For fixing the fees or other remuneration to be paid to the members and staff of the Board. 10

4.—(1) Upon the recommendation of the Board the Minister of Agriculture may issue licenses or certificates of qualification to stationary engineers on payment of the prescribed fees. 15

(2) Licenses or certificates of qualification may be cancelled at any time for good and sufficient reasons.

(3) Every stationary engineer shall, during the continuance of his license or certificate register with the Board on or before the 1st day of February of each year on a form to be furnished by the Board, and any stationary engineer who fails to comply with this regulation shall not be allowed to continue in charge of a steam plant unless by special permission of the Board.

5. No person who is not a holder of a certificate of qualification under this Act shall operate or have charge of any steam plant in the Province of Ontario after the first day of October, 1907, that in case of emergency a person not the holder of a certificate or license may be employed in operating any steam plant for a period not exceeding thirty days at any one time. 25 30

6.—(1) Every engineer who at the time of the passing of this Act—

Holds a certificate of qualification from any Association of Stationary Engineers in the Province of Ontario, 35

Or who shall be in charge of any steam plant in the Province of Ontario coming under the provisions of this Act,

Or who has had at least two years' experience in the operation of such a steam plant 40

And who applies to the Board shall, upon furnishing such evidence of good character and sobriety as the Board may require and upon payment of the prescribed fee, be entitled to receive a license for the practice of his calling as engineer for a period of three years ending 30th day of September, 1910, and not renewable after that date. 45

(2) Every stationary engineer holding a license under this Act and who has complied with the regulations required by this Act, who desires to continue in charge of a steam plant in the Province of Ontario after the expiration of his license on the 30th day of September, 1910, shall previous to that date pass such an examination before the Board of Examiners as is required by this Act, and shall upon payment of the prescribed fee, be entitled to receive a certificate of qualification under this Act.

10 7. The license or certificate held by any person under this Act shall at all times be exposed to view in the engine or boiler room in which such person is employed, and failure to keep such license or certificate exposed shall be *prima facie* evidence of the lack of qualification under
15 this Act.

8. The provisions of this Act shall not apply to firemen or other workmen acting under the direction and supervision of any duly licensed or certificated engineer who is actually in charge of a steam plant, nor shall it apply to
20 the employees of engine builders or steam plant contractors engaged in installing, setting up or testing boilers or steam plants.

9. Any person who feels himself aggrieved by the decision of the Board of Examiners may appeal therefrom
25 to the Minister of Agriculture, upon giving such notice as the Minister may prescribe, and the decision of the Minister of Agriculture shall be final.

10. The Board of Examiners shall make a report in writing to the Minister of Agriculture on or before the 31st
30 day of December in every year showing :

(a) The number of certificates granted by them during the preceding year, and the persons to whom the same were granted;

(b) The number of applications for certificates refused
35 during the preceding year and the causes for refusal;

(c) The number of certificates revoked, cancelled or suspended during the preceding year, and the causes for the same;

(d) The amount of fees received by them from candidates or holders of certificates during the preceding year;

(e) Upon such other matters as may be directed by the Minister of Agriculture or the Lieutenant-Governor in Council.

11. Except as provided in section 5 of this Act every
45 person who operates a steam plant as the engineer in

Appeal to
Minister of
Agriculture.

Report of
Board to
Minister of
Agriculture.

charge thereof without the license or certificate required by this Act, and every person employing him or permitting him so to do shall be liable upon summary conviction to a penalty of not less than \$10 nor more than \$25 besides costs.

12. Sections 20 to 32, both inclusive, of *The Act respecting Stationary Engineers*, as enacted by section 1 of the Act passed in the 6th year of His Majesty's reign, chaptered 26 are repealed and section 19 of the said *Act respecting Stationary Engineers* is amended by striking out the 10 words added thereto by section 3 of the said Act passed in the 6th year of His Majesty's reign.

No. 176.

3rd Session, 11th Legislature,
7 Edward VII., 1907.

BILL.

An Act respecting Stationary Engineers.

First Reading, 5th March, 1907.

Mr. MONTEITH.

TORONTO:

PRINTED BY L. K. CAMERON,

Printer to the King's Most Excellent Majesty.

An Act respecting the Township of York.

WHEREAS the Municipal Corporation of the Town-^{Preamble.}
ship of York has by petition prayed for special legis-
lation in respect of the several matters hereinafter set
forth; and whereas the said municipal corporation agreed
5 with General Leather Goods, Limited, that the annual as-
sessment of the lands, buildings and personal property
hereinafter described of the said company, situate within
the Township of York, should be fixed at \$6,000 exclusive
of assessment for business tax for a period of twenty years
10 from the 1st day of January, 1907, and pursuant to said
agreement By-law Number 2053 of the said municipal cor-
poration was passed; and whereas the said municipal cor-
poration agreed with the Toronto Bolt and Forging Com-
pany, Limited, that the annual assessment of the lands,
15 building and personal property hereinafter described of
the company, situate within the Township of York, should
be fixed at \$38,000 for a period of twenty years from the 1st
day of January, A.D. 1907, said sum to include assessment
for business tax during the said period, and pursuant to
20 said agreement By-law No. 2054 of the said municipal cor-
poration was passed; and whereas the said municipal cor-
poration agreed with the firm J. E. Edwards & Sons that
the annual assessment of the lands, buildings and personal
property hereinafter described of the said firm situate
25 within the Township of York should be fixed at \$8,000 ex-
clusive of assessment for business tax, for a period of twenty
years from the 1st day of January, 1907, and pursuant to
the said agreement By-law Number 2064 of the said munic-
ipal corporation was passed; and whereas the said firm and
30 companies acting on the faith of the said agreements and by-
laws have erected and equipped buildings, factories and
works and intend further to extend and enlarge their build-
ings, factories and works and are now employing a large
number of workmen, the majority of whom reside in the
35 Township of York, and are paying out in each year large
sums of money in wages and salaries and the industries to be

carried on by the said firm and companies are and will be of considerable benefit to the said Township of York; and whereas none of the said by-laws have been moved against nor have any objections been made to the said by-laws or any of them; and whereas it appears to be desirable and expedient that the said by-laws should be confirmed and validated; and whereas it is expedient to grant the prayer of the said petition respecting the said by-laws and otherwise as hereinafter set forth; 5

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:— 10

Date of
Nomination
and polling
day.

1. The Council of the Corporation of the Township of York may by by-law passed not later than the 15th day of November in any year enact that the meeting of the electors for the nomination of candidates for the offices of reeve, deputy reeve and councilmen, shall be held on the 23rd day of December in each year, unless that day falls on Sunday, in which case the nomination shall be held on the following day, and that the election of reeve, deputy reeves and councilmen shall be held on the 1st day of January, next thereafter, except where that day falls on Sunday, in which case the election shall be held on the following day. 15 20

Application of
3 Edw. VII,
c. 19, s. 677.

2. The provisions of section 677 of *The Consolidated Municipal Act, 1903*, as amended by sections 38 and 39 of the Act passed in the 6th year of His Majesty's reign, Chaptered 34, shall apply to the Township of York. 25

4 Edw. VII,
c. 25, s. 9,
subs. 2, not to
apply to
township.

3. The provisions of subsection 2 of section 9 of the Act passed in the 4th year of His Majesty's reign, Chaptered 25, shall not apply to the Township of York. 30

Power to
abolish
Statute Labour
in any portion
of township.

4. The Municipal Council of the Township of York may pass a by-law or by-laws to abolish statute labour in any portion of the municipality, and to levy in lieu thereof such rate upon the dollar as the council may deem necessary. 35

Assessment
and collectors'
rolls confirmed.

5. All assessment rolls of the said township heretofore finally revised, all collectors' rolls of the said township heretofore returned by the collectors thereof and all collectors' returns heretofore made are hereby validated and confirmed notwithstanding any irregularity, fault or omission in the said assessments, collectors' rolls or collectors' returns, or in any matter or thing done or omitted to be done in relation thereto and notwithstanding anything contained in any Act or Acts to the contrary. 40 45

6. All sales of land within the said township made prior to the first day of January, A.D. 1905, and purporting to be made for arrears of taxes in respect of the lands so sold, including sales of land which may have been purchased
- 5 by the council of the said corporation or by anyone on behalf of the said council under the provisions of *The Assessment Act*, and all tax deeds purporting to be issued in pursuance of such sales are confirmed and declared to be and to have been legal, valid and binding to all intents
- 10 and purposes, notwithstanding any error of description and notwithstanding any irregularity in the assessments or any other proceedings for the imposition of any taxes so in arrear or any failure to comply with requirements of *The Assessment Act of 1892* or *The Assessment Act* or of
- 15 any Act or Acts amending the same in regard to the certifying or signing of the same or the making of any affidavit or oath required in connection therewith or in regard to the time for the return of any collectors' roll of the said township or in regard to the furnishing, authenticating or depositing of any list of land in arrear for taxes
- 20 within the said township or the furnishing by the collector of any account of the taxes remaining due on any and all collectors' rolls or in regard to the mailing of notice to any person in respect to whose land any taxes appeared at any
- 25 time to be in arrears or in regard to any omission to levy the amount of any such taxes in arrear by distress and sale of goods and notwithstanding any failure on the part of the council to give written notice to the owner (or any other person) or any lot, or part of lot, or lots, as required by
- 30 subsection 3 of section 184 of chapter 224 of the Revised Statutes of Ontario, 1897, and notwithstanding any failure of the Council of the Township of York, to have given notice by public advertisement as required by subsection 3 of section 148, of *The Assessment Act*, and notwithstanding
- 35 ing that the Township of York purchased more than one lot at any adjourned sale of lands for arrears of taxes, and notwithstanding the failure of the treasurer of the municipality or of any person on his behalf to make or cause to be made a search or searches and to give a notice or notices
- 40 as required by section 165 of *The Assessment Act*, and notwithstanding any other failure, omission or mistake of any kind whatsoever, in or about the said sale on the part of the council or of any official of the said township, and notwithstanding anything to the contrary in any of the said
- 45 Acts contained.

Sales of land held prior to Jan'y 1st, 1905, confirmed.

7. The Council of the Corporation of the Township of York may pass by-laws: (1) For regulating the erection of buildings in specified parts of the township. (2) For authorizing the pulling down or removal at the expense
- 50 of the owner thereof of any building or erection which may be constructed, repaired or placed in contravention of any by-law.

Plans for enlargement of cemeteries to be approved of by council.

Toronto Burial
Trusts not to
use certain
lands for burial
purposes with-
out consent of
township.

8.—(1) No cemetery or burying ground whether held by a cemetery company or by trustees or otherwise within the Township of York shall be enlarged or added to until a plan showing the location of such enlargement or of the lands acquired for such addition and the lots therein shall 5 have been approved of by by-law of the municipality.

(2) Where the Toronto Burial Trusts have since January 1st, 1900, purchased and occupied for burial or other purposes lands in York Township south of and adjoining lot 19, in the first concession east of Yonge Street, the ori- 10 ginal Mount Pleasant Cemetery lot, such purchase or occupation shall be deemed contrary to the provisions of the preceding clause and the consent of the township council by by-law must be obtained and until such by-law shall be passed, the Toronto Burial Trusts shall not use such 15 lands for burial purposes.

By-laws No.
2053, 2054 and
2064 confirmed.

9. By-laws Numbers 2053, 2054 and 2064 of the Corporation of the Township of York, set out in Schedules "A," "B" and "C" to this Act are hereby respectively 20 ratified and confirmed and declared to be legal and binding on the said Township of York and the ratepayers thereof.

SCHEDULE "A."

BY-LAW No. 2053.

A by-law providing that the assessment of the land and property hereinafter described may be fixed at \$6,000 per annum for a period of twenty years.

Whereas General Leather Goods, Limited, of the Township and County of York, has by its petition represented that their said company is now seized of the lands and premises hereinafter described and that a large sum of money has been and will be expended by the said company upon the said lands in erecting buildings thereon and in installing therein the necessary machinery and plant for the purposes of the business there carried on under the name "General Leather Goods, Limited;"

And whereas the said company has by its said petition requested that a by-law be passed providing that the annual assessment of the said lands and other property be fixed at not more than the sum of six thousand dollars each year for a period of twenty years to be computed from the first day of January, 1904;

And whereas it appears expedient to accede to said request, be it therefore enacted by the municipal council of the corporation of the Township of York,

1. That all and singular those certain parcels or tracts of land and premises owned by the said company situate, lying and being in the Township of York and Province of Ontario, and being on the east side of Bathurst street and west side of Albany avenue, and described as lots six and seven in block "W" according to plan registered in the registry office for the County of York as No. 362; together with all buildings, stock-in-trade, plant, machinery, fixtures and materials now or hereafter thereon or therein

and all other personal and other assessable property of the said company for a period of twenty years to be computed from the first day of January, A.D. 1907, shall be annually assessed for all purposes, en bloc, at the sum of six thousand dollars and no more as a fixed assessment, exclusive of business tax in respect of the said business, and the said lands, premises and property shall be for such time exempt from any special assessment for any improvements or works of that class of improvements or works where the cost thereof or any part thereof is or would otherwise be charged against the lands specially benefited thereby, except in respect of any local improvement rates heretofore assessed against the said lands.

2. In case any part or parts of said lands be used for the purpose of dwelling houses, or for any purposes not connected with the business of the company, such part or parts when and so long as used for such purposes shall be assessable as if this by-law had not been passed, and in the event of the destruction of the said buildings or property, or any part thereof, so that the value of the same with the said lands and other property shall not be equal to the said sum of six thousand dollars, the assessment shall be made while such value is under six thousand dollars as if this by-law had not been passed.

3. The assessors and other officers making such assessment are hereby authorized and required to so make their assessments and returns as to conform to the provisions of this by-law.

4. Application shall be made at the cost and expense of the said company by the said company, or by the said corporation to the Legislature of the Province of Ontario to confirm this by-law and to carry the provisions thereof into effect, and if such application be made by the said company the said municipal corporation will give its consent thereto.

5. On such legislation being obtained this by-law shall come into effect.

Passed 17th December, 1906.

(Seal)

GEO. SYME,

Reeve.

(Seal)

W. A. CLARKE,

Clerk.

SCHEDULE "B."

BY-LAW No. 2054.

A by-law providing that the assessment of the land and property hereinafter described may be fixed at \$38,000 per annum, for a period of twenty years.

Whereas The Toronto Bolt and Forging Company, Limited, has by its petition represented that the said company is now seized of the lands and premises hereinafter described, and that a large sum of money has been and will be expended by the said company upon the said lands in erecting buildings thereon and in installing thereon the necessary machinery and plant for the purposes of the business there carried on by it;

And whereas the said company has by its said petition requested that a by-law be passed providing that the annual assessment of the said lands and other property be fixed at not more than the sum of thirty-eight thousand dollars each year for a period of twenty years, to be computed from the first day of January, 1907;

And whereas it appears expedient to accede to said request;

Be it therefore enacted by the municipal council of the corporation of the Township of York,

1. That all and singular those certain parcels or tracts of land

and premises owned by the said company situate, lying and being in the Township of York and Province of Ontario, and being, firstly, that part of lot thirty-nine in the broken front concession of the Township of York in the County of York, lying between the right of way of the Grand Trunk Railway on the south and the road allowance between the broken front and the first concessions on the north and between Windermere avenue on the east, being parts of lots one and two according to plan 20 of record in the Department of Crown Lands; commencing at the intersection of the westerly side of Windermere avenue with the northerly side of the Grand Trunk Railway Company's property, thence north twenty-seven degrees forty-two minutes west along the westerly side of Windermere avenue one hundred and fifty feet, thence north thirty-six degrees twenty-four minutes west still along the westerly side of Windermere avenue two hundred and eighty-four feet seven inches more or less to the southerly side of the road allowance between the broken front and first concessions before mentioned, as defined by P. S. Gibson's survey; thence south seventy-four degrees west along the southerly limit of said road allowance eight hundred feet; thence south thirty-four degrees thirty minutes east five hundred and seventy-nine feet more or less to the northerly limit of the right of way of the Grand Trunk Railway property before mentioned; thence easterly along the last mentioned boundary seven hundred and fifty feet more or less to the place of beginning, containing eight acres more or less, saving and excepting thereout and therefrom a curved strip of land at the south-western portion of the herein described premises used as a right of way for the Toronto Belt Line Railway. Secondly, parts of lots thirty-eight and thirty-nine in the broken front concessions of the Township of York, being a triangular piece of land on the north-east corner of the intersection of the Grand Trunk Railway property and Windermere avenue containing fifty-seven hundredths of an acre, commencing at the intersection of the easterly side of Windermere avenue with the northerly side of the Grand Trunk Railway property; thence north twenty-seven degrees and forty-two minutes west along the easterly side of Windermere avenue one hundred and sixty feet; thence north eighty-eight degrees and five minutes east three hundred and fifty-eight feet more or less to the northerly side of the Grand Trunk Railway property before mentioned; thence southerly sixty-two degrees forty minutes west along the northerly side of the Grand Trunk Railway property three hundred and ten feet more or less to the place of beginning, together with all buildings, stock-in-trade, plant, machinery, fixtures and materials and other assessable property of the said company for a period of twenty years, to be computed from the first day of January, A.D. 1907, shall be annually assessed for all purposes en bloc at the sum of thirty-eight thousand dollars and no more as a fixed assessment, inclusive of the business tax in respect of the said business, and the said lands, premises and property shall be for such time exempt from any special assessment for any improvements or works of that class of improvements or works where the cost thereof or any part thereof is or would otherwise be charged against the lands specially benefited thereby, except in respect of any local improvement rates heretofore assessed against the said lands.

2. In case any part or parts of said lands be used for the purpose of dwelling houses or for any purposes not connected with the business of the company, such part or parts when and so long as used for such purposes shall be assessable as if this by-law had not been passed, and in the event of the destruction of the said buildings or property or any part thereof so that the value of the same with the said lands and other property shall not be equal to the said sum of thirty-eight thousand dollars, the assessment shall be made while such value is under thirty-eight thousand dollars, as if this by-law had not been passed.

3. The assessors and other officers making such assessment are hereby authorized and required to so make their assessments and returns as to conform to the provisions of this by-law.

4. Application shall be made at the cost and expense of the said company by the said company or by the said corporation to the Legislature of the Province of Ontario to confirm this by-law and to carry the provisions thereof into effect, and if such application be made by the said company the said municipal corporation will give its consent thereto.

5. On such legislation being obtained this by-law shall come into effect.

Passed 17th December, A.D. 1906.

(Seal)

GEO. SYME,
Reeve.

(Seal)

W. A. CLARKE,
Clerk.

SCHEDULE "C."

By-LAW No. 2064.

A by-law providing that the assessment of the land and property hereinafter described may be fixed at \$8,000 per annum for a period of twenty years.

Whereas the firm of J. E. Edwards & Sons, of the Township and County of York, have by their petition represented that their said firm are now seized of the lands and premises hereinafter described and that a large sum of money has been and will be expended by the said firm upon the said lands in erecting buildings thereon and in installing therein the necessary machinery and plant for the purposes of the business there carried on under the name, style and firm of "J. E. Edwards & Sons;"

And whereas the said firm have by their said petition requested that a by-law be passed providing that the annual assessment of the said lands and other property be fixed at not more than the sum of eight thousand dollars each year for a period of twenty years, to be computed from the first day of January, 1907;

And whereas on the 3rd day of December, A.D. 1906, the municipal corporation of the Township of York did pass a by-law granting the prayer of the said petition and fixing the assessment of the land and property in said by-law described at the sum of \$8,000 per annum for twenty years from the first day of January, 1907;

And whereas the lands intended to be included in said by-law were in said by-law incorrectly described, and in order to correct the same the said council have repealed the said by-law and intend to and do substitute this by-law therefor.

Be it therefore enacted by the municipal council of the corporation of the Township of York,

1. That all and singular those certain parcels or tracts of land and premises owned by the said firm situate, lying and being in the Township of York and Province of Ontario, containing by admeasurement three acres of land more or less, and being parts of lots 21, 22, 23, 32, 33 and 34, all according to plan registered in the registry office for the County of York as No. 119, and which said property is more particularly described as being that part of said lots bounded on the north by the southerly limit of Albert street, on the east by the westerly limit of Manning avenue, on the south by the northerly limit of plan 945 and on the west by the easterly limit of Christie street, together with all buildings, stock-in-trade, plant, machinery, fixtures and materials, now or hereafter thereon or therein, and all other personal and other assessable property of the said firm for a period of twenty years, to be computed from the first day of January, A.D. 1907, shall be

annually assessed for all purposes en bloc at the sum of eight thousand dollars and no more as a fixed assessment exclusive of business tax in respect of the said business, and the said lands, premises and property shall be for such time exempt from any special assessment for any improvements or works of that class of improvements, or works where the cost thereof, or any part thereof, is or would otherwise be charged against the lands specially benefited thereby, except in respect of any local improvement rates heretofore assessed against the said lands.

2. In case any part or parts of said lands be used for the purpose of dwelling houses or for any purposes not connected with the business of the company, such part or parts when and so long as used for such purposes shall be assessable as if this by-law had not been passed, and in the event of the destruction of the said buildings or property or any part thereof so that the value of the same with the said lands and other property shall not be equal to the said sum of eight thousand dollars the assessment shall be made while such value is under eight thousand dollars as if this by-law had not been passed.

3. The assessors and other officers making such assessment are hereby authorized and required to so make their assessments and returns as to conform to the provisions of this by-law.

4. Application shall be made at the cost and expense of the said firm by the said firm or by the said corporation to the Legislature of the Province of Ontario to confirm this by-law and to carry the provisions thereof into effect, and if such application be made by the said firm the said municipal corporation will give its consent thereto.

5. On such legislation being obtained this by-law shall come into effect.

Passed the 4th day of February, A.D. 1907.

"GEO. S. HENRY,"

Reeve.

"W. A. CLARKE,"

Clerk.

(Seal)

3rd Session, 11th Legislature,
7 Edward VII., 1907.

BILL.

An Act respecting the Township of York.

First Reading,	1907.
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(*Private Bill.*)

Mr. McCOWAN.

TORONTO:

PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

An Act respecting the Township of York.

WHEREAS the Municipal Corporation of the Town- Preamble.
ship of York has by petition prayed for special legislation in respect of the several matters hereinafter set forth; and whereas the said municipal corporation agreed with General Leather Goods, Limited, that the annual assessment of the lands, buildings and personal property hereinafter described of the said company, situate within the Township of York, should be fixed at \$6,000 exclusive of assessment for business tax for a period of twenty years from the 1st day of January, 1907, and pursuant to said agreement By-law Number 2053 of the said municipal corporation was passed; and whereas the said municipal corporation agreed with the Toronto Bolt and Forging Company, Limited, that the annual assessment of the lands, building and personal property hereinafter described of the company, situate within the Township of York, should be fixed at \$38,000 for a period of twenty years from the 1st day of January, A.D. 1907, said sum to include assessment for business tax during the said period, and pursuant to said agreement By-law No. 2054 of the said municipal corporation was passed; and whereas the said municipal corporation agreed with the firm J. E. Edwards & Sons that the annual assessment of the lands, buildings and personal property hereinafter described of the said firm situate within the Township of York should be fixed at \$8,000 exclusive of assessment for business tax, for a period of twenty years from the 1st day of January, 1907, and pursuant to the said agreement By-law Number 2064 of the said municipal corporation was passed; and whereas the said firm and companies acting on the faith of the said agreements and by-laws have erected and equipped buildings, factories and works and intend further to extend and enlarge their buildings, factories and works and are now employing a large number of workmen, the majority of whom reside in the Township of York, and are paying out in each year large sums of money in wages and salaries and the industries to be

carried on by the said firm and companies are and will be of considerable benefit to the said Township of York; and whereas none of the said by-laws have been moved against nor have any objections been made to the said by-laws or any of them; and whereas it appears to be desirable and expedient that the said by-laws should be confirmed and validated; and whereas *subject as is hereinafter provided* it is expedient to grant the prayer of the said petition respecting the said by-laws and otherwise as hereinafter set forth;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Date of
Nomination
and polling
day.

1. The Council of the Corporation of the Township of York may by by-law passed not later than the 15th day of November in any year enact that the meeting of the electors for the nomination of candidates for the offices of reeve, deputy reeve and councilmen, shall be held on the 23rd day of December in each year, unless that day falls on Sunday, in which case the nomination shall be held on the following day, and that the election of reeve, deputy reeves and councilmen shall be held on the 1st day of January, next thereafter, except where that day falls on Sunday, in which case the election shall be held on the following day.

Assessment
and collectors'
rolls confirmed.

2. All assessment rolls of the said township heretofore finally revised, all collectors' rolls of the said township heretofore returned by the collectors thereof and all collectors' returns heretofore made are hereby validated and confirmed notwithstanding any irregularity, fault or omission in the said assessments, collectors' rolls or collectors' returns, or in any matter or thing done or omitted to be done in relation thereto and notwithstanding anything contained in any Act or Acts to the contrary.

Sales of land
held prior to
Jan'y 1st, 1905,
confirmed.

3. All sales of land within the said township made prior to the first day of January, A.D. 1905, and purporting to be made for arrears of taxes in respect of the lands so sold, including sales of land which may have been purchased by the council of the said corporation or by anyone on behalf of the said council under the provisions of *The Assessment Act*, and all tax deeds purporting to be issued in pursuance of such sales are confirmed and declared to be and to have been legal, valid and binding to all intents and purposes, notwithstanding any error of description and notwithstanding any irregularity in the assessments or any other proceedings for the imposition of any taxes so in arrear or any failure to comply with requirements of *The Assessment Act of 1892* or *The Assessment Act* or of any Act or Acts amending the same in regard to the certifying or signing of the same or the making of any affi-

davit or oath required in connection therewith or in regard to the time for the return of any collectors' roll of the said township or in regard to the furnishing, authenticating or depositing of any list of land in arrear for taxes within the said township or the furnishing by the collector of any account of the taxes remaining due on any and all collectors' rolls or in regard to the mailing of notice to any person in respect to whose land any taxes appeared at any time to be in arrears or in regard to any omission to levy the amount of any such taxes in arrear by distress and sale of goods and notwithstanding any failure on the part of the council to give written notice to the owner (or any other person) or any lot, or part of lot, or lots, as required by subsection 3 of section 184 of chapter 224 of the Revised Statutes of Ontario, 1897, and notwithstanding that the Township of York purchased more than one lot at any adjourned sale of lands for arrears of taxes, and notwithstanding the failure of the treasurer of the municipality or of any person on his behalf to make or cause to be made a search or searches and to give a notice or notices as required by section 165 of *The Assessment Act*, and notwithstanding any other failure, omission or mistake of any kind whatsoever, in or about the said sale on the part of the council or of any official of the said township, and notwithstanding anything to the contrary in any of the said Acts contained.

15-4.—(1) Subject to the provisions of subsection 2 of this section, by-laws numbers 2053, 2054 and 2064 of the Corporation of the Township of York, set out in Schedules "A," "B" and "C" to this Act are hereby respectively ratified and confirmed and declared to be legal and binding on the said Township of York and the ratepayers thereof. By-laws No. 2053, 2054 and 2064 confirmed.

15-(2) Notwithstanding anything contained in any of the said by-laws the lands, buildings, plant, machinery, fixtures and other property mentioned and described in the said by-laws shall, for school purposes and local improvements, be assessed and liable to taxation in each and every year in the same manner as if the said by-laws had not been passed, and for other purposes each of the said by-laws shall be and remain in force for a period of ten years only from the 1st day of January, 1907, and shall have no force or effect after the expiration of the said period of ten years.

SCHEDULE "A."

By-LAW No. 2053.

A by-law providing that the assessment of the land and property hereinafter described may be fixed at \$6,000 per annum for a period of twenty years.

Whereas General Leather Goods, Limited, of the Township and County of York, has by its petition represented that their said company is now seized of the lands and premises hereinafter described and that a large sum of money has been and will be expended by the said company upon the said lands in erecting buildings thereon and in installing therein the necessary machinery and plant for the purposes of the business there carried on under the name "General Leather Goods, Limited;"

And whereas the said company has by its said petition requested that a by-law be passed providing that the annual assessment of the said lands and other property be fixed at not more than the sum of six thousand dollars each year for a period of twenty years to be computed from the first day of January, 1907;

And whereas it appears expedient to accede to said request, be it therefore enacted by the municipal council of the corporation of the Township of York,

1. That all and singular those certain parcels or tracts of land and premises owned by the said company situate, lying and being in the Township of York and Province of Ontario, and being on the east side of Bathurst street and west side of Albany avenue, and described as lots six and seven in block "W" according to plan registered in the registry office for the County of York as No. 362; together with all buildings, stock-in-trade, plant, machinery, fixtures and materials now or hereafter thereon or thereon and all other personal and other assessable property of the said company for a period of twenty years to be computed from the first day of January, A.D. 1907, shall be annually assessed for all purposes, en bloc, at the sum of six thousand dollars and no more as a fixed assessment, exclusive of business tax in respect of the said business, and the said lands, premises and property shall be for such time exempt from any special assessment for any improvements or works of that class of improvements or works where the cost thereof or any part thereof is or would otherwise be charged against the lands specially benefited thereby, except in respect of any local improvement rates heretofore assessed against the said lands.

2. In case any part or parts of said lands be used for the purpose of dwelling houses, or for any purposes not connected with the business of the company, such part or parts when and so long as used for such purposes shall be assessable as if this by-law had not been passed, and in the event of the destruction of the said buildings or property, or any part thereof, so that the value of the same with the said lands and other property shall not be equal to the said sum of six thousand dollars, the assessment shall be made while such value is under six thousand dollars as if this by-law had not been passed.

3. The assessors and other officers making such assessment are hereby authorized and required to so make their assessments and returns as to conform to the provisions of this by-law.

4. Application shall be made at the cost and expense of the said company by the said company, or by the said corporation to the Legislature of the Province of Ontario to confirm this by-law and to carry the provisions thereof into effect, and if such application be made by the said company the said municipal corporation will give its consent thereto.

5. On such legislation being obtained this by-law shall come into effect.

Passed 17th December, 1906.

(Seal)

GEO. SYME,
Reeve.

(Seal)

W. A. CLARKE,
Clerk.

SCHEDULE "B."

BY-LAW No. 2054.

A by-law providing that the assessment of the land and property hereinafter described may be fixed at \$38,000 per annum, for a period of twenty years.

Whereas The Toronto Belt and Forging Company, Limited, has by its petition represented that the said company is now seized of the lands and premises hereinafter described, and that a large sum of money has been and will be expended by the said company upon the said lands in erecting buildings thereon and in installing the e in the necessary machinery and plant for the purposes of the business there carried on by it;

And whereas the said company has by its said petition requested that a by-law be passed providing that the annual assessment of the said lands and other property be fixed at not more than the sum of thirty-eight thousand dollars each year for a period of twenty years, to be computed from the first day of January, 1907;

And whereas it appears expedient to accede to said request;

Be it therefore enacted by the municipal council of the corporation of the Township of York,

1. That all and singular those certain parcels or tracts of land and premises owned by the said company situate, lying and being in the Township of York and Province of Ontario, and being, firstly, that part of lot thirty-nine in the broken front concession of the Township of York in the County of York, lying between the right of way of the Grand Trunk Railway on the south and the road allowance between the broken front and the first concessions on the north and between Windermere avenue on the east, being parts of lots one and two according to plan 20 of record in the Department of Crown Lands; commencing at the intersection of the westerly side of Windermere avenue with the northerly side of the Grand Trunk Railway Company's property, thence north twenty-seven degrees forty-two minutes west along the westerly side of Windermere avenue one hundred and fifty feet, thence north thirty-six degrees twenty-four minutes west still along the westerly side of Windermere avenue two hundred and eighty-four feet seven inches more or less to the southerly side of the road allowance between the broken front and first concessions before mentioned, as defined by P. S. Gibson's survey; thence south seventy-four degrees west along the southerly limit of said road allowance eight hundred feet; thence south thirty-four degrees thirty minutes east five hundred and seventy-nine feet more or less to the northerly limit of the right of way of the Grand Trunk Railway property before mentioned; thence easterly along the last mentioned boundary seven hundred and fifty feet more or less to the place of beginning, containing eight acres more or less, saving and excepting thereout and therefrom a curved strip of land at the south-western portion of the herein described premises used as a right of way for the Toronto Belt Line Railway. Secondly, parts of lots thirty-eight and thirty-nine in the broken front concessions of the Township of York, being a triangular piece of land on the north-east corner of the intersection of the Grand Trunk Railway property and Windermere avenue containing fifty-seven hundredths of an acre, commencing at the intersection of

the easterly side of Windermere avenue with the northerly side of the Grand Trunk Railway property; thence north twenty-seven degrees and forty-two minutes west along the easterly side of Windermere avenue one hundred and sixty feet; thence north eighty-eight degrees and five minutes east three hundred and fifty-eight feet more or less to the northerly side of the Grand Trunk Railway property before mentioned; thence southerly sixty-two degrees forty minutes west along the northerly side of the Grand Trunk Railway property three hundred and ten feet more or less to the place of beginning, together with all buildings, stock-in-trade, plant, machinery, fixtures and materials and other assessable property of the said company for a period of twenty years, to be computed from the first day of January, A.D. 1907, shall be annually assessed for all purposes en bloc at the sum of thirty-eight thousand dollars and no more as a fixed assessment, inclusive of the business tax in respect of the said business, and the said lands, premises and property shall be for such time exempt from any special assessment for any improvements or works of that class of improvements or works where the cost thereof or any part thereof is or would otherwise be charged against the lands specially benefited thereby, except in respect of any local improvement rates heretofore assessed against the said lands.

2. In case any part or parts of said lands be used for the purpose of dwelling houses or for any purposes not connected with the business of the company, such part or parts when and so long as used for such purposes shall be assessable as if this by-law had not been passed, and in the event of the destruction of the said buildings or property or any part thereof so that the value of the same with the said lands and other property shall not be equal to the said sum of thirty-eight thousand dollars, the assessment shall be made while such value is under thirty-eight thousand dollars, as if this by-law had not been passed.

3. The assessors and other officers making such assessment are hereby authorized and required to so make their assessments and returns as to conform to the provisions of this by-law.

4. Application shall be made at the cost and expense of the said company by the said company or by the said corporation to the Legislature of the Province of Ontario to confirm this by-law and to carry the provisions thereof into effect, and if such application be made by the said company the said municipal corporation will give its consent thereto.

5. On such legislation being obtained this by-law shall come into effect.

Passed 17th December, A.D. 1906.

(Seal)

GEO. SYME,
Reeve.

(Seal)

W. A. CLARKE,
Clerk.

SCHEDULE "C."

BY-LAW No. 2064.

A by-law providing that the assessment of the land and property hereinafter described may be fixed at \$8,000 per annum for a period of twenty years.

Whereas the firm of J. E. Edwards & Sons, of the Township and County of York, have by their petition represented that their said firm are now seized of the lands and premises hereinafter described and that a large sum of money has been and will be expended by the said firm upon the said lands in erecting buildings thereon and in installing therein the necessary machinery and plant for the purposes of the business there carried on under the name, style and firm of "J. E. Edwards & Sons;"

And whereas the said firm have by their said petition requested that a by-law be passed providing that the annual assessment of the said lands and other property be fixed at not more than the sum of eight thousand dollars each year for a period of twenty years, to be computed from the first day of January, 1907;

And whereas on the 3rd day of December, A.D. 1906, the municipal corporation of the Township of York did pass a by-law granting the prayer of the said petition and fixing the assessment of the land and property in said by-law described at the sum of \$8,000 per annum for twenty years from the first day of January, 1907;

And whereas the lands intended to be included in said by-law were in said by-law incorrectly described, and in order to correct the same the said council have repealed the said by-law and intend to and do substitute this by-law therefor.

Be it therefore enacted by the municipal council of the corporation of the Township of York,

1. That all and singular those certain parcels or tracts of land and premises owned by the said firm situate, lying and being in the Township of York and Province of Ontario, containing by admeasurement three acres of land more or less, and being parts of lots 21, 22, 23, 32, 33 and 34, all according to plan registered in the registry office for the County of York as No. 119, and which said property is more particularly described as being that part of said lots bounded on the north by the southerly limit of Albert street, on the east by the westerly limit of Manning avenue, on the south by the northerly limit of plan 945 and on the west by the easterly limit of Christie street, together with all buildings, stock-in-trade, plant, machinery, fixtures and materials, now or hereafter thereon or therein, and all other personal and other assessable property of the said firm for a period of twenty years, to be computed from the first day of January, A.D. 1907, shall be annually assessed for all purposes en bloc at the sum of eight thousand dollars and no more as a fixed assessment exclusive of business tax in respect of the said business, and the said lands, premises and property shall be for such time exempt from any special assessment for any improvements or works of that class of improvements, or works where the cost thereof, or any part thereof, is or would otherwise be charged against the lands specially be cited thereby, except in respect of any local improvement rates heretofore assessed against the said lands.

2. In case any part or parts of said lands be used for the purpose of dwelling houses or for any purposes not connected with the business of the company, such part or parts when and so long as used for such purposes shall be assessable as if this by-law had not been passed, and in the event of the destruction of the said buildings or property or any part thereof so that the value of the same with the said lands and other property shall not be equal to the said sum of eight thousand dollars the assessment shall be made while such value is under eight thousand dollars as if this by-law had not been passed.

3. The assessors and other officers making such assessment are hereby authorized and required to so make their assessments and returns as to conform to the provisions of this by-law.

4. Application shall be made at the cost and expense of the said firm by the said firm or by the said corporation to the Legislature of the Province of Ontario to confirm this by-law and to carry the provisions thereof into effect, and if such application be made by the said firm the said municipal corporation will give its consent thereto.

5. On such legislation being obtained this by-law shall come into effect.

Passed the 4th day of February, A.D. 1907.

"GEO. S. HENRY,"

Reeve.

"W. A. CLARKE,"

Clerk.

(Seal)

No. 178.

3rd Session, 11th Legislature,
7 Edward VII., 1907.

BILL.

An Act respecting the Township of York.

First Reading, 13th March, 1907.

(*Reprinted as amended by Private Bills
Committee.*)

Mr McCOWAN.

TORONTO:

PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

An Act respecting the Weekly Court.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. All proceedings in any action or matter which may be heard and disposed of before a judge in court or by a judge in chambers (not including such proceedings as may in the first instance be heard and disposed of by the Master in Chambers or local judge) may be heard and determined at the weekly sittings of the High Court of Justice at Ottawa if the solicitors for all parties reside in that portion of the Province of Ontario composed of the following counties:—Renfrew, Leeds, Lanark, Grenville, Carleton, Dundas, Russell, Stormont, Prescott and Glengarry.
- Proceedings which may be taken before Weekly Court at Ottawa.

No. 179.

3rd Session, 11th Legislature,
7 Edward VII., 1907.

BILL.

An Act respecting the Weekly Court.

First Reading, 5th March, 1907.

Mr. McDougall.

TORONTO:

PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

An Act to confirm By-law No. 750 of the Township of Cornwall.

WHEREAS the Municipal Corporation of the Town-^{Preamble.}
ship of Cornwall and the Canadian Colored Cotton
Mills, Limited, by their petitions have prayed that an Act
may be passed confirming a certain by-law, being By-law
5 Number Seven Hundred and Fifty of the said township
and a certain agreement made between the Municipal Cor-
poration of the Township of Cornwall and the Canadian
Colored Cotton Mills Company, Limited, which are fully
set forth as Schedules "A" and "B" respectively to this
10 Act; and whereas the said by-law was unanimously passed
by the Municipal Council of the Township of Cornwall and
the said agreement was entered into upon certain condi-
tions which the said Township of Cornwall considered fav-
ourable; and whereas it is expedient to grant the prayer
15 of the said petition;

Therefore His Majesty, by and with the advice and con-
sent of the Legislative Assembly of the Province of On-
tario, enacts as follows:—

By-law Number 750 of the Municipal Corporation
20 of the Township of Cornwall, together with the agreement
therein referred to, said by-law and agreement being re-
spectively set forth in full in Schedules "A" and "B" to
this Act, are hereby confirmed, and declared legal and
valid and binding in the same manner and to the same
25 extent as if set out at length, and the provisions thereof
enacted in this Act; anything contained in *The Assessment
Act* or any other Act to the contrary notwithstanding.

By-law No. 750
of Township of
Cornwall and
agreement
confirmed.

SCHEDULE "A."

By-law No. 750 of the corporation of the Township of Cornwall, in the County of Stormont, for the year 1906, for fixing the assessment upon the property of "The Canadian Colored Cotton Mills Company, Limited," situate in the Township of Cornwall upon which the said "The Canadian Colored Cotton Mills Company, Limited," are required to pay municipal and school taxes for a period of ten and twenty years.

Whereas, the corporation of the Township of Cornwall has entered into an agreement bearing even date herewith with "The Canadian Colored Cotton Mills Company, Limited," to fix the assessment on all real estate, buildings, machinery and appliances of "The Canadian Colored Cotton Mills Company, Limited," and on any and all additions to the buildings and plant of "The Canadian Colored Cotton Mills Company, Limited," which may be erected within three years from this date upon the property adjacent to the property now owned by "The Canadian Colored Cotton Mills Company, Limited," and situate in the Township of Cornwall, for a period of twenty years as set out in the said agreement and upon the terms and provisos and conditions in the said agreement contained;

And whereas, it is necessary to authorize the reeve and clerk of the corporation of the Township of Cornwall to execute the said agreement and attach the corporate seal thereto;

Be it therefore enacted, a by-law of the corporation of the Township of Cornwall;

And it is hereby enacted, that the reeve and clerk be and they are hereby authorized and empowered to sign, and seal with the corporate seal of the Township of Cornwall, the said agreement with "The Canadian Colored Cotton Mills Company, Limited," bearing date the 19th day of November, A.D. 1906;

And it is further enacted, that the said agreement with the said "The Canadian Colored Cotton Mills Company, Limited," shall not come into operation or take effect until an Act is passed by the Legislature of the Province of Ontario ratifying, confirming and declaring valid the said agreement, together with this by-law.

Passed in open council, signed and sealed, this day of November, A.D. 1906.

(Seal)	(Sgd.) W. G. BENNETT,
	Reeve.
(Seal)	(Sgd.) JOHN MULLIN,
	Tp. Clerk.

SCHEDULE "B."

Agreement made this 19th day of November, A.D. 1906, between the corporation of the Township of Cornwall, in the County of Stormont, and Province of Ontario, hereinafter called the corporation of the first part, and The Canadian Colored Cotton Mills Company, Limited, hereinafter called the parties of the second part.

Whereas, the Canadian Colored Cotton Mills Company, Limited, having during the past year erected on property situate in the Township of Cornwall certain buildings to be used in connection with their manufacturing business;

And whereas, the Canadian Colored Cotton Mills Company are now assessed upon the property situate in the Township of Cornwall, for the sum of \$5,700.00;

And whereas, the Canadian Colored Cotton Mills Company, Limited, are desirous of having their assessment fixed on all the property which they now own in the Township of Cornwall at a fixed and definite amount for a period of ten years;

And whereas, the Canadian Colored Cotton Mills Company, Limited, are considering the advisability of building large additions to their present plant to be situate in the Township of Cornwall, said additions to cost not less than one hundred thousand dollars;

And whereas, before finally arranging for the erection of these large and valuable additions, they are desirous of understanding their exact position in regard to taxes in the Township of Cornwall;

And whereas, the municipal corporation of the Township of Cornwall have consented to grant complete exemption from municipal taxation and statute labor on all additions, plant and machinery which may be erected within the period of three years from this date, provided said additions, plant and machinery shall cost not less than one hundred thousand dollars.

Now this agreement witnesseth, that the municipality of the corporation of the Township of Cornwall hereby agree to fix the assessment on all real estate, buildings, machinery and property immediately used or connected with the mills of the Canadian Colored Cotton Mills Company, Limited, in the Township of Cornwall at 33 1-3 per cent. on \$30,000, for the period of ten years from the first day of January, A.D. 1907, the municipal and school taxes shall only be collected upon 33 1-3 per cent. of the said value fixed at \$30,000 for a period of ten years from the first day of January, A.D. 1907, and the said property shall be exempt from statute labor for a period of ten years.

And the municipal corporation of the Township of Cornwall, hereby further agree, to exempt the real estate, buildings and machinery and property which may be erected within three years from this date by the Canadian Colored Cotton Mills Company, Limited, from all municipal taxes and statute labor for a period of twenty years, from the date of erection of said buildings, plant and machinery, provided same cost not less than one hundred thousand dollars, subject however to the following conditions:—

That the Canadian Colored Cotton Mills Company, Limited, shall pay school rates upon one-third of the assessable value of said property for the first ten years, and upon one-half of the assessable value of said property for the next ten years.

It is further agreed between the parties hereto, that in the event of the Canadian Colored Cotton Mills Company, Limited, erecting residences for their operatives that such property is not to be exempt from taxation, but shall pay the usual rates to the township.

And it is further agreed between the parties hereto that this agreement shall not come into operation or take effect until an Act is passed by the legislature of the Province of Ontario, ratifying, confirming and declaring valid the same, together with by-law of the municipal corporation authorizing the reeve and clerk of the Township of Cornwall to execute this agreement.

In witness whereof, the reeve and clerk of the corporation of the Township of Cornwall, have hereunto subscribed their hands and affixed the corporate seal, and the said "The Canadian Colored Cotton Mills Company, Limited," have also subscribed their hands and affixed their corporate seal this 19th day of November, A.D. 1906.

(Sgd.) W. G. BENNETT,
Reeve.

(Sgd.) JOHN MULLIN,
Tp. Clerk.

(Sgd.) THE CANADIAN COLORED COTTON MILLS CO.
D. MURRICE
President.

A. BRUCE,
Sec.-Treas.

(Seal)

No. 180.

3rd Session, 11th Legislature,
7 Edward VII., 1907.

BILL.

An Act to confirm By-law No. 750 of the
Township of Cornwall.

First Reading,	1907.
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(Private Bill.)

Mr. KERR.

TORONTO:

PRINTED BY L. K. CAMERON,

Printer to the King's Most Excellent Majesty.

An Act to confirm By-law No. 750 of the Township of Cornwall.

WHEREAS the Municipal Corporation of the Town-Preamble
ship of Cornwall and the Canadian Colored Cotton Mills, Limited, by their petitions have prayed that an Act may be passed confirming a certain by-law, being By-law Number Seven Hundred and Fifty of the said township and a certain agreement made between the Municipal Corporation of the Township of Cornwall and the Canadian Colored Cotton Mills Company, Limited, which are fully set forth as Schedules "A" and "B" respectively to this Act; and whereas the said by-law was unanimously passed by the Municipal Council of the Township of Cornwall and the said agreement was entered into upon certain conditions which the said Township of Cornwall considered favourable; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. By-law Number 750 of the Municipal Corporation of the Township of Cornwall, together with the agreement therein referred to, said by-law and agreement being respectively set forth in full in Schedules "A" and "B" to this Act, are hereby confirmed, and declared legal, valid and binding in the same manner and to the same extent as if set out at length, and the provisions thereof enacted in this Act: anything contained in *The Assessment Act* or any other Act to the contrary notwithstanding.

By-law No. 750 of Township of Cornwall and agreement confirmed.

2. Notwithstanding anything contained in the said by-law, the real estate, buildings, machinery and property of the said Company shall for school purposes and local improvements be assessed and liable to taxation as though the said by-law had not been passed.

SCHEDULE "A."

By-law No. 750 of the corporation of the Township of Cornwall, in the County of Stormont, for the year 1906, for fixing the assessment upon the property of "The Canadian Colored Cotton Mills Company, Limited," situate in the Township of Cornwall upon which the said "The Canadian Colored Cotton Mills Company, Limited," are required to pay municipal and school taxes for a period of ten and twenty years.

Whereas, the corporation of the Township of Cornwall has entered into an agreement bearing even date herewith with "The Canadian Colored Cotton Mills Company, Limited," to fix the assessment on all real estate, buildings, machinery and appliances of "The Canadian Colored Cotton Mills Company, Limited," and on any and all additions to the buildings and plant of "The Canadian Colored Cotton Mills Company, Limited," which may be erected within three years from this date upon the property adjacent to the property now owned by "The Canadian Colored Cotton Mills Company, Limited," and situate in the Township of Cornwall, for a period of twenty years as set out in the said agreement and upon the terms and provisoes and conditions in the said agreement contained;

And whereas, it is necessary to authorize the reeve and clerk of the corporation of the Township of Cornwall to execute the said agreement and attach the corporate seal thereto;

Be it therefore enacted, a by-law of the corporation of the Township of Cornwall;

And it is hereby enacted, that the reeve and clerk be and they are hereby authorized and empowered to sign, and seal with the corporate seal of the Township of Cornwall, the said agreement with "The Canadian Colored Cotton Mills Company, Limited," bearing date the 19th day of November, A.D. 1906;

And it is further enacted, that the said agreement with the said "The Canadian Colored Cotton Mills Company, Limited," shall not come into operation or take effect until an Act is passed by the Legislature of the Province of Ontario ratifying, confirming and declaring valid the said agreement, together with this by-law.

Passed in open council, signed and sealed, this
day of November, A.D. 1906.

(Sgd.) W. G. BENNETT.

(Seal)

Reeve.

(Sgd.) JOHN MULLIN,

(Seal)

Tp. Clerk.

SCHEDULE "B."

Agreement made this 19th day of November, A.D. 1906, between the corporation of the Township of Cornwall, in the County of Stormont, and Province of Ontario, hereinafter called the corporation of the first part, and The Canadian Colored Cotton Mills Company, Limited, hereinafter called the parties of the second part.

Whereas, the Canadian Colored Cotton Mills Company, Limited, having during the past year erected on property situate in the Township of Cornwall certain buildings to be used in connection with their manufacturing business;

And whereas, the Canadian Colored Cotton Mills Company are now assessed upon the property situate in the Township of Cornwall, for the sum of \$5,700.00;

And whereas, the Canadian Colored Cotton Mills Company, Limited, are desirous of having their assessment fixed on all the property which they now own in the Township of Cornwall at a fixed and definite amount for a period of ten years;

And whereas, the Canadian Colored Cotton Mills Company, Limited, are considering the advisability of building large additions to their present plant to be situate in the Township of Cornwall, said additions to cost not less than one hundred thousand dollars;

And whereas, before finally arranging for the erection of these large and valuable additions, they are desirous of understanding their exact position in regard to taxes in the Township of Cornwall;

And whereas, the municipal corporation of the Township of Cornwall have consented to grant complete exemption from municipal taxation and statute labor on all additions, plant and machinery which may be erected within the period of three years from this date, provided said additions, plant and machinery shall cost not less than one hundred thousand dollars.

Now this agreement witnesseth, that the municipality of the corporation of the Township of Cornwall hereby agree to fix the assessment on all real estate, buildings, machinery and property immediately used or connected with the mills of the Canadian Colored Cotton Mills Company, Limited, in the Township of Cornwall at 33 1-3 per cent. on \$30,000, for the period of ten years from the first day of January, A.D. 1907, the municipal and school taxes shall only be collected upon 33 1-3 per cent. of the said value fixed at \$30,000 for a period of ten years from the first day of January, A.D. 1907, and the said property shall be exempt from statute labor for a period of ten years.

And the municipal corporation of the Township of Cornwall, hereby further agree, to exempt the real estate, buildings and machinery and property which may be erected within three years from this date by the Canadian Colored Cotton Mills Company, Limited, from all municipal taxes and statute labor for a period of twenty years, from the date of erection of said buildings, plant and machinery, provided same cost not less than one hundred thousand dollars, subject however to the following conditions:—

That the Canadian Colored Cotton Mills Company, Limited, shall pay school rates upon one-third of the assessable value of said property for the first ten years, and upon one-half of the assessable value of said property for the next ten years.

It is further agreed between the parties hereto, that in the event of the Canadian Colored Cotton Mills Company, Limited, erecting residences for their operatives that such property is not to be exempt from taxation, but shall pay the usual rates to the township.

And it is further agreed between the parties hereto that this agreement shall not come into operation or take effect until an Act is passed by the legislature of the Province of Ontario, ratifying, confirming and declaring valid the same, together with by-law of the municipal corporation authorizing the reeve and clerk of the Township of Cornwall to execute this agreement.

In witness whereof, the reeve and clerk of the corporation of the Township of Cornwall, have hereunto subscribed their hands and affixed the corporate seal, and the said "The Canadian Colored Cotton Mills Company, Limited," have also subscribed their hands and affixed their corporate seal this 19th day of November, A.D. 1906.

(Sgd.) W. G. BENNETT,
Reeve.

(Sgd.) JOHN MULLIN,
Tp. Clerk.

(Sgd.) THE CANADIAN COLORED COTTON MILLS Co.
D. MURRICE,
President.

A. BRUCE,
Sec.-Treas.

(Seal)

3rd Session, 11th Legislature,
7 Edward VII., 1907.

BILL.

An Act to confirm By-law No. 750 of the
Township of Cornwall.

First Reading, 13th March, 1907.

*(Reprinted as amended by Private Bills
Committee.)*

Mr. KERR.

TORONTO:

PRINTED BY L. K. CAMERON,

Printer to the King's Most Excellent Majesty.

An Act respecting Sales of Land by The Canada
Company.

WHEREAS by an Act passed in the sixth year of the ^{Preamble}
reign of His late Majesty, George the Fourth, en-
titled *An Act to enable His Majesty to grant to a company*
to be incorporated by charter to be called The Canada
5 *Company, certain lands in the Province of Upper Canada,*
and to invest the said company with certain powers and
privileges, and for other purposes relating thereto, it was
enacted by the King's Most Excellent Majesty, by and with
the advice and consent of the Lord's Spiritual and Temporal
10 and Commons in Parliament assembled, and by the author-
ity of the same that in case His Majesty should, within
three years after the passing of the said Act be pleased by
Charter of Incorporation under the Great Seal of Great
Britain and Ireland to declare and grant that such and so
15 many persons as should be named therein, and all and every
other person or persons as from time to time should be
duly admitted members into their corporation, should be
a body politic and corporate by the name of The Canada
Company, and to declare that said corporation so to be
20 made and created should be so established for the purpose
of purchasing, improving, settling and disposing of lands
in Upper Canada, and for such other lawful purposes as to
His Majesty might seem meet, then and in that case it
should and might be lawful for the said corporation to hold
25 to them and their successors, such lands, tenements and
hereditaments within the said province, or as should or
might be granted to them or their successors within said
Province, or as subject to the restrictions thereafter men-
tioned should be contracted for and purchased or acquired
30 by them therein; and to hold, alienate, sell and dispose of
all such lands, tenements and hereditaments upon, under
and subject to such conditions, provisoes, limitations and
restrictions as His Majesty by such, His Charter might im-
pose, direct or prescribe; and whereas it was further en-
35 acted that all conveyances which should be made by the

said Canada Company to any individual or individuals of any part of the said lands to be granted to or purchased or held by the said company be made according to a certain form for that purpose provided, which form is in the words following: 5

"We, the Canada Company, incorporated under and by virtue of an Act made and passed in the sixth year of the reign of His Majesty King George the Fourth, intituled *An Act to enable His Majesty to grant to a Company, to be incorporated by Charter, to be called "The Canada Company," certain lands in the Province of Upper Canada, and to invest the said company with certain powers and privileges and for other purposes relating thereto*, in consideration of the sum of _____ to us paid, do hereby grant and release to _____ all and our right, title and interest to 15 and in the same, and every part thereof; to have and to hold unto the said _____, and his heirs forever."

and whereas by Letters Patent under the Great Seal, bearing date at Westminster on the 19th day of August, in the second year of the Reign of His Majesty George the 20 Fourth, His Majesty, in pursuance of the said Act was graciously pleased to give, grant, make, ordain, constitute, declare and appoint Charles Bosanquet, Esquire, William Williams, Esquire, Robert Biddulph, Esquire, Richard Blanchard, Esquire, Robert Downie, Esquire, John East-25 hope, Esquire, Edward Ellice, Esquire, James William Freshfield, Esquire, John Fullarton, Esquire, John Galt, Esquire, Charles David Gordan, Esquire, William Hibbert, the Younger, Esquire, John Hodgson, Esquire, John Hullet, Esquire, Hart Logan, Esquire, Simon McGillivray, Esquire, 30 James McKillop, Esquire, John Masterman, Esquire, Martin Tucker Smith, Esquire, and Henry Osborne, Esquire, together with such and so many other person or persons, bodies politic or corporate, as had become or should at any time thereafter become subscribers or shareholders of, or 35 for the capital stock thereafter mentioned, in manner thereafter provided, and their respective successors, executors, administrators and assigns, and such other person or persons, bodies politic or corporate, as should from time to time be possessed of or entitled to such shares as are 40 thereafter provided should be one body politic and corporate in deed and in name, by the name of "The Canada Company," and by that name should and might sue and be sued, implead and be impleaded, in all courts, whether law or equity, and should have perpetual succession, with 45 a Common Seal, which might by them be changed or varied at their pleasure; and by the said Letters Patent, provision was made for the Government of the said company; and whereas the said Letters Patent are in all respects in pursuance of, and in conformity with the provisions of the 50 said Act of Parliament; and whereas by an Act of Parliament passed in the ninth year of the Reign of His late Majesty George the Fourth, entitled *An Act to alter and*

amend an Act for enabling His Majesty to grant to a company to be incorporated by charter to be called The Canada Company, certain lands in the Province of Upper Canada, it was enacted that it should and might be lawful for the
 5 said company by Warrant of Attorney, or written instrument under their corporate seal to constitute and appoint two or more persons being in Upper Canada to make and execute conveyances in the name and on behalf of the said company to any individual or individuals of any part of
 10 the lands to be granted to or purchased or held by the said company in the manner and subject to the restrictions in the said first mentioned Act of Parliament contained, and which conveyances should be made under the signatures of the said Attorneys, and under such seal as hereinafter
 15 mentioned and according to the form following, or as near thereto as the circumstances of the case will admit, that is to say:

"We, A. B. and C. D., the attorneys of The Canada Company, incorporated under and by virtue of an Act made and passed in the
 20 sixth year of the reign of His Majesty King George the Fourth, intituled *An Act to enable His Majesty to grant to a Company to be incorporated by Charter, to be called "The Canada Company," certain lands in the Province of Upper Canada, and to invest the said company with certain powers and privileges, and for other purposes relating thereto*, being constituted and appointed such
 25 attorneys by virtue and in pursuance of an Act passed in the ninth year of the reign of His Majesty George the Fourth, intituled *An Act to alter and amend an Act for enabling His Majesty to grant to a Company to be incorporated by Charter, to be called*
 30 *"The Canada Company," certain lands in the Province of Upper Canada*, do hereby, in consideration of the sum of
 to us as such attorneys as aforesaid paid, grant and release to
 all
 right, title and interest of the said Canada Company to and in
 35 the same and every part thereof, to have and to hold unto the said
 , and his heirs forever."
 (Signed) A. B.
 (Signed) C. D.

and whereas in pursuance of the said Acts large tracts of
 40 lands in the Province of Upper Canada were granted to the said company; and whereas the said Canada Company in making conveyances to individuals of parts of the lands granted or purchased, or held by the said company in this Province, has not made use of the form of conveyance pro-
 45 vided by the said Acts, but has assumed the right to reserve all minerals and quarries of metals and minerals, and all springs of oil in or under the said lands whether already discovered or not; and whereas the said Canada Company has for a consideration granted licenses and agree-
 50 ments to bore for oil, natural gas or other minerals upon lands previously conveyed by the said company to individuals as aforesaid, and in pursuance of the right given by the said company under and by virtue of said licenses and agreements oil operators have entered upon lands previously
 55 conveyed as aforesaid to residents of this Province, and by

their operations are rendering the land unfit for agricultural purposes to the great detriment, and damage of the owners thereof; and whereas large sums of money have been expended by persons holding licenses from the said company in exploring for, drilling and operating for oil and gas upon said lands;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Reservations
of minerals
cancelled.

1. All reservations of minerals and quarries of metals and minerals and springs of oil contained in any conveyances of any part of the said lands in this Province from the said Canada Company shall be, and the same are hereby declared to be and to have been utterly void and of no force and effect whatsoever, except as hereinafter mentioned. 15

Licenses
and leases
validated in
other
particulars.

2. All licenses or leases from The Canada Company to any person or persons heretofore made are hereby validated to the extent that such licensee or lessee shall be entitled to hold and retain the rights acquired by him or them thereunder, subject however to the payment and delivery to the owner for the time being of the fee in said lands of the rents and royalties, or other payments which under the terms of the said licenses or leases shall hereafter become payable or due, and owing from such licensees or lessees, and the owner of the fee for the time being as aforesaid shall be, and he is hereby subrogated to all the rights and privileges of The Canada Company under such licenses or leases. 25

3rd Session, 11th Legislature,
7 Edward VII., 1907.

BILL.

An Act respecting Sales of Land by
The Canada Company.

First Reading, 7th March, 1907.

Mr. McCOIG.

TORONTO:

PRINTED BY L. K. CAMERON,

Printer to the King's Most Excellent Majesty.

An Act to amend The Public Parks Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 17 of *The Public Parks Act* is amended by
5 inserting therein the following subsection as subsection
4a:—

Rev. Stat.
c. 233, s. 17,
amended.

(4a) The council may also on the requisition of the
Board raise by special issue of the debentures of the mu-
nicipality any sum required for the purposes of making
10 permanent improvements upon any lands thereto required
by the Board for park purposes but no such by-law shall
be passed until the council shall apply for and obtain from
"The Ontario Railway and Municipal Board" an order ap-
proving of the issue of such debentures and declaring the
15 work to be undertaken to be permanent improvements and
the order of the said Railway and Municipal Board shall
be final and conclusive and shall not be open to question
as to any declaration so made.

Debentures for
permanent
improvements.

3rd Session, 11th Legislature,
7 Edward VII., 1907.

BILL.

An Act to amend The Public Parks Act.

First Reading, 7th March, 1907.

Mr. PATTINSON.

TORONTO:

PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

No. 182.

BILL.

1907.

An Act to amend The Public Parks Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Subsection 4 of section 17 of *The Public Parks Act*, is amended by adding thereto the following words:—

“And for making permanent improvements upon any lands theretofore acquired by the Board for park purposes.”

No. 182.

3rd Session, 11th Legislature,
7 Edward VII., 1907.

BILL.

An Act to amend The Public Parks Act.

First Reading, 7th March, 1907.
Second Reading, 13th March, 1907.

*(Reprinted as amended by Municipal
Committee).*

Mr. PATTINSON.

TORONTO:

PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

An Act to amend and consolidate the law relating to the payment of Succession Duty.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as *The Succession Duty Act*. Short title.

2. For the purpose of raising a revenue for Provincial purposes, save as is hereinafter otherwise expressly provided, there shall be levied and paid for the use of the Province a duty at the graduated rates hereinafter mentioned upon all property which has passed on the death of any person who has died on or since the 1st day of July, 1892, or passing on the death of any person who shall hereafter die, according to the fair market value of such property at the date of the death of such person. Application of Act.

3.—(1) Where the following words and expressions occur in this Act they shall be construed in the manner hereinafter mentioned unless a contrary intention appears:— Interpretation.

(a) The words “passing on the death” as meaning passing either immediately on the death or after an interval either certainly or contingently and either originally or by way of substitutive limitation. “Passing on the death.”

(b) “Property” as including real and personal property of every description and every estate and interest therein capable of being devised or bequeathed by will or of passing on the death of the owner to his heirs or personal representatives. “Property.”

(c) “Interest in expectancy” as including an estate, income or interest in remainder or reversion and “Interest in expectancy.”

any other future interest whether vested or contingent but not as including a reversion expectant on the determination of a lease.

- "Executor." (d) "Executor" as including administrator, trustee, guardian, committee or other person seized or possessed of or entitled to any property in a fiduciary capacity.
- "Treasurer." (e) "Treasurer" as meaning the Treasurer of the Province of Ontario.
- "Child." (f) The word "child" as including any lawful child of the deceased or any lineal descendant of such child born in lawful wedlock or any person adopted while under the age of twelve years by the deceased as his child or any infant to whom the deceased for not less than five years immediately preceding his death stood *in loco parentis* or any lineal descendant of such adopted child or infant as aforesaid born in lawful wedlock.
- "Aggregate value." (g) The words "aggregate value" as meaning the value of the property after the debts, encumbrances and other allowances authorized by section 4 of this Act are deducted therefrom, and for the purposes of determining aggregate value and the rate of duty payable the value of property situate out of Ontario shall be included.
- "Dutiable value." (h) The words "dutiable value" as meaning the value of the property after the debts, encumbrances and other allowances and exemptions authorized by this Act are deducted therefrom. R.S.O. Cap. 24, s. 2; 5 Edw. VII. Cap. 6, s. 3.

Allowances made in computing dutiable value.

4. In determining "dutiable value" the value shall be taken as at the date of the death of the deceased, and allowance shall be made for reasonable funeral expenses, debts and encumbrances and Surrogate Court fees (not including solicitor's charges); and any debt or encumbrance for which an allowance is made shall be deducted from the value of the land or other subject of property liable thereto; but an allowance shall not be made:—

(a) For any debts incurred by the deceased or encumbrances created by a disposition made by him unless such debts or encumbrances were created *bona fide* for full consideration in money or money's worth wholly for the deceased's own use and benefit and to take effect out of his estate; nor

(b) For any debt in respect whereof there is a right to reimbursement from any other estate or person unless such reimbursement cannot be obtained; nor

(c) More than once for the same debt or encumbrance charged upon different portions of the estate; nor

(d) Save as aforesaid, for the expense of the administration of the estate or the execution of any trust created by the will of the deceased or by any instrument made by him in his lifetime. 5 Edw. VII. Chap. 6, s. 3.

5. No duty shall be leviable:—

Exemptions.

(1) On any estate the aggregate value of which does not exceed \$10,000.

Estates not exceeding \$10,000.

(2) On property devised or bequeathed for religious, charitable or educational purposes to be carried out in Ontario or by a corporation or a person resident in Ontario.

Charitable bequests.

(3) On property passing by will, intestacy or otherwise to or for the use of a grandfather, grandmother, father, mother, husband, wife, child, daughter-in-law or son-in-law of the deceased where the value of the property of the deceased does not exceed \$50,000.

Property passing to certain persons not over \$50,000.

(4) Where the whole value of any property passing to any one person does not exceed \$300 the same shall be exempt from payment of the duty imposed by this Act. R.S.O. Chap. 24, s. 3; 1 Edw. VII. Chap. 8, s. 4; 5 Edw. VII. Chap. 6, s. 6.

To one person not over \$300.

6.—(1) Save as aforesaid the following property shall be subject to succession duty to be paid for the use of the Province over and above the fees paid under *The Surrogate Courts Act*:—

Description of property liable to duty.

(a) All property situate in Ontario and any income therefrom whether the deceased person owning or entitled thereto was domiciled in Ontario at the time of his death or was domiciled elsewhere and all moveable or personal property locally situated out of Ontario and any interest therein where the owner was domiciled in Ontario at the time of his death.

Property in Ontario or owner domiciled in Ontario.

(b) All property, situate as aforesaid, or income therefrom voluntarily transferred by deed, grant, bargain, sale or gift made in contemplation of the death of the grantor, bargainor, vendor or donor or made or intended to take effect in possession or enjoyment after such death to any person in trust or otherwise or the effect of which is that any person becomes beneficially

Property transferred in contemplation of death.

entitled in possession or expectancy to such property or income.

Donationes
mortis causa,
etc.

- (c) Any property, situate as aforesaid, taken as a *donatio mortis causa* made on or under a disposition purporting to operate as an immediate gift *inter vivos*, whether by way of transfer, delivery, declaration of trust or otherwise which shall not have been *bona fide* made twelve months before the death of the deceased, including property, situate as aforesaid, taken under any gift, whenever made, of which property *bona fide* possession and enjoyment shall not have been assumed by the donee immediately upon the gift and thenceforward retained to the entire exclusion of the donor, or of any benefit to him by contract or otherwise;

Property vested jointly with interest to survivor.

- (d) Any property, situate as aforesaid, which a person having been absolutely entitled thereto, has caused, or may cause to be transferred to, or vested in himself, and any other person jointly, whether by disposition or otherwise, so that the beneficial interest therein, or in some part thereof, passes or accrues by survivorship on his death of such other person, including also any purchase or investment effected by the person who was absolutely entitled to the property either by himself alone or in concert, or by arrangement with any other person;

Property passing under settlement, etc.

- (e) Any property, situate as aforesaid, passing under any past or future settlement, including any trust, whether expressed in writing or otherwise, and if contained in a deed or other instrument effecting the settlement, whether such deed or other instrument was made for valuable consideration or not as between the settlor and any other person, made by deed or other instrument not taking effect as a will whereby an interest in such property or the proceeds of sale thereof for life, or any other period, determinable by reference to death, is reserved, either expressly or by implication to the settlor, or whereby the settlor may have reserved to himself the right by the exercise of any power to restore to himself, or to reclaim the absolute interest in such property or the proceeds of sale thereof, or to otherwise resettle the same or any part thereof;

Annuities,
insurance, etc.

- (f) Any annuity or other interest purchased or provided by any person, either by himself alone or in concert or by arrangement with any other

person, to the extent of the beneficial interest accruing or arising by survivorship or otherwise on the death of the deceased;

- (g) Money received under a policy of insurance effected by any person on his life, where the policy is wholly kept up by him for the benefit of a donee, whether nominee or assignee, or a part of such money in proportion to the premiums paid by him, where the policy is partially kept up by him for such benefit.

- (h) Any property, situate as aforesaid, of which the person dying was at the time of his death competent to dispose; and a person shall be deemed competent to dispose of property if he has such an estate or interest therein or such general power as would if he were *sui juris* enable him to dispose of the property as he thinks fit whether the power is exercisable by instrument *inter vivos* or by will or both, including the powers exercisable by a tenant in tail whether in possession or not, but exclusive of any power exercisable in a fiduciary capacity under a disposition not made by himself or as mortgagee. A disposition taking effect out of the interest of the person so dying shall be deemed to have been made by him whether the concurrence of any other person was or was not required. Money which a person has a general power to charge on property shall be deemed to be property of which he has the power to dispose;

Property over which decedent had power of disposal.

- (i) Any estate in dower or by the curtesy in any land of the person so dying to which the wife or husband of the deceased becomes entitled on the decease of such person.

Dower and curtesy.

(2)—(a) The description of property in clauses (c) to (i) inclusive shall not be construed to restrict the generality of the description contained in clauses (a) and (b).

(b) Any property within the meaning of clauses (b) to (i) inclusive shall for all purposes of this Act be deemed to pass on the death of the deceased.

(3) Where the aggregate value of the property exceeds \$50,000, and any property passes in manner aforesaid, either in whole or in part, to or for the benefit of the grand-father, grandmother, father, mother, husband, wife, child,

Scale of duty where property passes to grand-parents, etc., and exceeds \$50,000.

son-in-law, or daughter-in-law of the deceased, the same or so much thereof as so passes (as the case may be) shall be subject to a duty at the rate and on the scale as follows:

- (a) Where the aggregate value exceeds \$50,000 and does not exceed \$75,000, 1 per cent.;
- (b) Exceeds \$75,000 and does not exceed \$100,000, 2 per cent.;
- (c) Exceeds \$100,000 and does not exceed \$150,000, 3 per cent.;
- (d) Exceeds \$150,000 and does not exceed \$200,000 4 per cent.;
- (e) Exceeds \$200,000, 5 per cent.

Additional
duty where
share of any
person exceeds
\$100,000.

(4) Provided that where the aggregate value of the property exceeds \$100,000, and the value of the property passing in manner aforesaid to any one person mentioned in the next preceding subsection exceeds the amount hereinafter mentioned, a further duty shall be paid on the amount so passing in addition to the rates in the next preceding subsection mentioned, as follows:—

- (a) Where the whole amount so passing to one person exceeds \$100,000 and does not exceed \$200,000, 1 per cent.;
- (b) Exceeds \$200,000 and does not exceed \$400,000, 1½ per cent.;
- (c) Exceeds \$400,000 and does not exceed \$600,000, 2 per cent.;
- (d) Exceeds \$600,000 and does not exceed \$800,000, 2½ per cent.;
- (e) Exceeds \$800,000, 3 per cent.

Rate of duty
where property
passes to
grand parents,
brothers,
sisters, etc.

(5) Where the aggregate value of the property exceeds \$10,000 so much thereof as passes to or for the benefit of any lineal ancestor of the deceased, except the grandfather, grandmother, father, and mother, or to any brother or sister of the deceased, or to any descendant of such brother or sister or to a brother or sister of the father or mother of the deceased or to any descendant of such last mentioned brother or sister, shall be subject to a duty of 5 per cent.

Additional
duty where
more than
\$50,000 passes
to any person.

(6) Provided that where the aggregate value of the property exceeds \$50,000, and the amount passing in manner aforesaid to any one person mentioned in the next preceding subsection, except the grandfather, grandmother, father and mother, exceeds the amount hereinafter mentioned a further duty shall be paid on the amount so passing, in addition to the duty in the next preceding subsection mentioned as follows:—

- (a) Where the whole amount so passing to one person exceeds \$50,000, and does not exceed \$100,000, 1 per cent.;
- (b) Exceeds \$100,000 and does not exceed \$150,000, 1½ per cent.;
- (c) Exceeds \$150,000 and does not exceed \$200,000, 2 per cent.;
- (d) Exceeds \$200,000 and does not exceed \$250,000, 2½ per cent.;
- (e) Exceeds \$250,000 and does not exceed \$300,000, 3 per cent.;
- (f) Exceeds \$300,000 and does not exceed \$350,000, 3½ per cent.;
- (g) Exceeds \$350,000 and does not exceed \$400,000, 4 per cent.;
- (h) Exceeds \$400,000 and does not exceed \$450,000, 4½ per cent.;
- (i) Exceeds \$450,000, 5 per cent.

(7) Where the aggregate value of the property exceeds \$10,000, so much thereof as passes to or for the benefit of any person in any other degree of collateral consanguinity to the deceased than is above mentioned, or to or for the benefit of any stranger in blood to the deceased save as is hereinbefore provided, shall be subject to a duty of 10 per cent. Rate where property passes to other persons.

(8) Property of a deceased person domiciled in Ontario brought into this Province by his executor or administrator for administration or distribution shall be liable to the duty hereinbefore imposed. Property brought into Ontario for administration.

(9) Where any property locally situate out of Ontario or any interest therein as aforesaid shall have paid any estate, succession or legacy duty or tax elsewhere than in Ontario an allowance for the amount so paid shall be made by this Province, and the property upon which such duty or tax has been paid elsewhere shall be subject to the payment of such portion only of the succession duty provided for in the preceding subsections of this section as will equal the difference between the duty payable under this Act with respect to property in Ontario and the duty or tax so paid elsewhere: Provided that allowance for any estate, succession or legacy duty or tax payable elsewhere than in Ontario shall be made under this subsection only as to any country, state or British province or possession Proviso.

where an allowance is made for the succession duty paid under this Act on property situate in Ontario, passing on the death of any person domiciled elsewhere than in Ontario, and the Lieutenant-Governor in Council, by Order in Council, shall have extended the provisions of this subsection as to such allowance by this Province, so as to apply to such country, state or British province or possession. Provided also that the Lieutenant-Governor in Council may revoke any such order, where it appears that the law of any such country, state, British province or possession has been so altered that it would not authorize the making of an order under this subsection.

Foreign executors, etc., not to transfer stock until duty paid.

(10) No foreign executor shall assign or transfer any debentures, bonds, stocks or shares of any bank or other corporation whatsoever having its head office in Ontario, standing in the name of the deceased person, or in trust for him, which are subject to succession duty until such duty is paid or security is given as required by section 7 of this Act, and any such bank or corporation allowing a transfer of any debentures, bonds, stocks or shares contrary to this section shall be liable for such duty. 62 V. (2), c. 9, s. 13.

Executors, etc., to file inventory, and bonds for payment of duty.

7.—(1) An executor or administrator applying for letters probate or letters of administration to the estate of a deceased person shall, before the issue of letters probate or of administration to him, make and file with the Surrogate Registrar a full, true and correct statement under oath showing:

(a) A full inventory in detail of all the property of the deceased person and the market value thereof, and

(b) The several persons to whom the same passes, their places of residence and the degrees of relationship, if any, in which they stand to the deceased;

and the executor or administrator shall, before the issue of letters probate or of administration, deliver to the Surrogate Registrar a bond in a penal sum equal to ten per centum of the sworn value of the property of the deceased person liable, or which may become liable, to succession duty, executed by himself and two sureties, to be approved by the Registrar, conditioned for the due payment to His Majesty of any duty to which the property coming to the hands of such executor or administrator may be found liable.

[As to accepting policies of guarantee companies, see R.S.O. 1897, c. 220, s. 5.]

Where no executor or administrator accountable for duty.

(2) Every person to whom property passes for any beneficial interest in possession, and also, to the extent of the property actually received or disposed of by him, every

trustee, guardian, committee, or other person in whom any interest in the property so passing, or the management thereof, is at any time vested, and every person in whom the same is vested in possession by alienation or other derivative title shall be accountable for the duty, and shall, within six months after the death of the deceased, or such later time as may be allowed by the Treasurer, send by registered letter to the Treasurer an account of the property, verified on oath; Provided that this subsection shall not apply to property included in the inventory mentioned in the next preceding subsection. R.S.O. 1897, c. 24, s. 5; 6 Edw. VII. c. 19, s. 11 (3).

(3) If at any time it shall be discovered that any property was not disclosed upon the grant of letters probate or of administration or the filing of the account, the person acting in the administration of such property and the person who is liable for the duty payable under this Act shall pay to the Treasurer the amount which, with the duty (if any) previously payable or paid on such property, shall be sufficient to cover the duty chargeable according to the true value thereof at the rates fixed by this Act together with interest thereon and shall at the same time pay to the Treasurer as a penalty a further duty of twenty-five per cent. of the duty chargeable on the value of the property not disclosed, and shall also, within two months after the discovery of the omission, deliver to the Surrogate Registrar an affidavit or account setting forth the property so not disclosed and the value thereof, in default of which he shall incur a penalty of \$10 for each day during which the default continues.

Property not disclosed on application for administration.

8.—(1) In case the Treasurer is not satisfied with the value of any property as sworn to or with the correctness of any inventory, the Surrogate Judge of the county in which the property or any part thereof subject to duty is situate shall, at the instance of the Treasurer and upon such notice by personal or substitutional service to the executor or such interested parties as he by order directs, enquire into the correctness of the inventory and as to the value so sworn to, and value any property improperly omitted, fix and settle the amounts of the debts and other allowances and exemptions, and assess the cash value of every annuity, term of years, life estate, income or other estate and of every interest in expectancy as provided by this Act, and shall at the time and place mentioned in the notice or any other time and place named by him value all property at the fair market value and hear and determine all questions relative to the liability of property, the amount of duty and the persons liable therefor.

Proceedings when Treasurer not satisfied with valuation.

(2) The Surrogate Judge shall have all the powers of a Judge of the County Court at the trial of any action and

the power to compel discovery, the production of books, papers and documents and he may with the consent of the official guardian appoint for the purposes of this Act a guardian of any infant who has no guardian.

(3) The judgment of the Surrogate Judge shall have the like force and effect and be enforceable in the same manner as a judgment of the County Court.

(4) In lieu of or in addition to evidence of valuation of property the Surrogate Judge may in the first instance or at any time before judgment issue a direction to the sheriff of the county where any property is situate in respect to which duty is payable to make an appraisement of the property mentioned in the inventory or any part thereof or of any property wrongfully omitted.

(5) When so directed the sheriff shall forthwith appraise the property mentioned in the inventory, or any part thereof, as directed by the Surrogate Judge, or any property wrongfully omitted at its fair market value at the date of death or at the time provided in section 13, as the case may be, and make a report in writing to the Surrogate Judge of his appraisement and of such other facts as he may deem proper.

Sheriff's fees.

(6) The sheriff shall be paid by the Treasurer the following fees for services performed under this Act:

- \$1 for every hour up to five hours;
- \$2 for every hour in important or difficult cases;
- In no case to exceed \$10 per diem;
- His actual and necessary travelling expenses.

Valuation of annuities and limited estates.

9. The value of every annuity, term of years, life estate, income or other estate and of every interest in expectancy in respect of which duty is payable under this Act, shall for the purposes of this Act be determined by the rule, method and standards of mortality and of value which are employed by the Provincial Inspector of Insurance in ascertaining the value of policies of life insurance and annuities for the determination of the liabilities of life insurance companies, save that the rate of interest to be taken for all purposes of computation under this section shall be four per cent. per annum; and the Inspector of Insurance shall on the application of any Surrogate Judge determine the value of any annuity, term of years, life estate, income or other estate or of any interest in expectancy upon the facts contained in any such application and certify the same to the Surrogate Registrar and his certificate shall be conclusive as to the matters dealt with therein.

Appeal from report of Sheriff or assessment

10.—(1) The Treasurer, or any other person interested, may within thirty days from the date of the judgment of

the Surrogate Judge appeal to the Court of Appeal whose of Surrogate Registrar decision shall be final. Provided that no appeal shall lie unless that portion of the property or of the debts and other allowances and exemptions in respect of which such appeal is taken, or all combined, exceeds in value or amount \$10,000 according to such judgment.

(2) The costs of all such proceedings shall be in the discretion of the Court or Judge and shall be on the County Court scale, except the costs of an appeal which shall be according to the tariff applicable to proceedings in the Court of Appeal.

11.—(1) The duties imposed by this Act, unless otherwise herein provided, shall be due at the death of the deceased, and payable within eighteen months thereafter, and if the same are paid within the said period no interest shall be charged or collected thereon, but if not so paid interest at the rate of five per centum per annum from the death of the deceased shall be charged and collected, and such duties, together with the interest thereon, shall be and remain a lien upon the property in respect of which they are payable until paid. Provided that the duty chargeable upon any legacy given by way of annuity whether for life or otherwise shall be paid in four equal consecutive annual instalments, the first of which shall be paid before the falling due of the first year's annuity and each of the three others within the same period in each of the next succeeding three years. In case the annuitant dies before the expiration of the said four years payment only of the instalments which fall due before his death shall be required. R.S.O. 1897, c. 24, s. 12 (1); 1 Edw. VII. c. 8, s. 9 (1); 6 Edw. VII. c. 19, s. 11 (8).

Duties to be payable within 18 months from death of owner

(a) The Lieutenant-Governor in Council, upon proof to his satisfaction that payment of the duty within the time limited by subsection 1 of this section, would be unduly onerous may, by Order in Council, extend the time for the payment to such date and upon such terms as may be deemed proper and the duty shall become due and be payable as in the said Order in Council set forth. 1 Edw. VII. c. 8, s. 9 (2).

Extension of time for payment.

(2) Where the whole or any part of the income or interest of any property is directed to be accumulated for any period for the benefit of any person or persons or class to whom or to any of whom at the expiration of such period such property passes or income or interest becomes payable, such property shall be deemed for the purpose of this Act an interest in possession, passing at the death of the deceased, and the duty thereon shall be payable within eighteen months thereafter.

Where interest is accumulated.

(3) Property passing upon the death in respect to which any person is given such a general power to appoint, as is mentioned in clause (g) of subsection 1 of section 6 shall be liable to duty and the duty thereon shall be payable in the same manner and at the same time as if the property itself had been given to the donee of the power.

Certificate of discharge to be given by Provincial Treasurer.

(4) When the duty or any part thereof has been paid or secured to the satisfaction of the Treasurer he shall, if required by the person accounting for the duty, give a certificate to that effect, which shall discharge from any further claim for such duty the property mentioned in the certificate; Provided the Treasurer shall not be bound to grant such certificate until the expiration of one year from the death of the deceased. R.S.O. 1897, c. 24, s. 12 (2), (3); 1 Edw. VII. c. 8, s. 9 (3).

Certificate not a discharge in case of fraud, etc.

(5) Such certificate shall not discharge any person or property from the duty in case of fraud or failure to disclose material facts, and shall not affect the rate of duty payable in respect of any property afterwards shown to have passed on the death, and the duty in respect of such property shall be at such rate as would be payable if the value thereof were added to the value of the property, in respect of which duty has been already accounted for; Provided that a certificate purporting to be a discharge of the whole duty payable in respect of any property included in the certificate shall exonerate from duty property in the hands of a *bona fide* purchaser for valuable consideration without notice. R.S.O. 1897, c. 24, s. 12 (4).

Except as to bona fide purchaser.

Duty on interest in expectancy.

12.—(1) Where the dutiable property includes any interest in expectancy the duty on such interest may be paid within the eighteen months limited by subsection 1 of section 11, and when so paid the duty shall be on the value of such interest ascertained as provided herein as at the death of the deceased.

(2) With the consent in writing of the Treasurer, the duty may be paid after the time so limited and before such interest comes into possession; but if such consent be given the duty shall then be on a value not less in any event than the value of such interest in expectancy ascertained as provided herein as at the date when the duty is paid; and no deduction shall be made by reason of duty paid or payable on any prior estate, income or interest.

(3) The duty on any interest in expectancy, if not sooner paid, shall be payable forthwith when such interest comes into possession, in which case the duty shall be on the value ascertained as provided herein as at the date of coming into possession; and no deduction shall be made by reason of duty paid or payable on any prior estate, income or interest.

(4) Subject to the provisions of subsection 2 of section 11 where any property so passes that no person is beneficially entitled to the present enjoyment of the income or any part thereof for any term of years or other period, whether certain or uncertain, the duty shall be payable on the present value of such income or part thereof for such term or period computed as provided by section 9 and shall be payable within eighteen months after the death of the deceased.

(5) Notwithstanding that the duty may not be payable under this section until the time when the right of possession or actual enjoyment accrues an executor or person who has the custody or control of the property, may, with the consent of the Treasurer, commute the duty which would or might, but for the commutation, become payable in respect of such interest in expectancy, for a certain sum to be presently payable, and for determining that sum the Treasurer shall cause a present value to be set upon such duty, regard being had to the contingencies affecting the liability to and the rate and amount of such duty and interest; and on the receipt of such sum the Treasurer shall give a certificate of discharge from such duty.

(6) Where the duty on any interest in expectancy has been commuted and paid under the provisions of this section before such interest in expectancy falls into possession, the duty so paid shall be charged on such interest in expectancy and shall be repaid with interest at the rate of four per cent. per annum to the person who has paid the same by the person entitled to such interest in expectancy at the time when such interest comes into possession.

(7) Where it appears to the Treasurer that, by reason of the number of deaths on which property has passed or of the complicated or contingent nature of the interests of different persons in property passing on the death, it is difficult to ascertain exactly the rate or amount of duty payable in respect of any property or any interest therein or so to ascertain the same without undue expense in proportion to the value of the property or interest, the Treasurer on the application of any person accountable for any duty thereon and upon his furnishing all the information in his power respecting the amount of the property and the several interests therein, and other circumstances of the case, may by way of composition for all or any duty payable in respect of the property or interest and the various interests therein or any of them assess such sum on the value of the property or interest as having regard to the circumstances appears proper and may accept payment of the sum so assessed in full discharge of all claims for duty in respect of such property or interest and shall give a certificate of discharge accordingly.

Extension of
time for the
payment of
duty.

13. Upon the application of any person liable for the payment of the duty the Surrogate Judge may on notice to the Treasurer and for just cause shown make an order extending the time fixed by this Act for payment thereof for any period not exceeding one year or with the consent of the Treasurer for a longer period, but, unless the Judge otherwise orders the duty shall nevertheless bear interest at the rate of five per centum per annum from the day upon which such duty might have been paid without interest.

Administra-
tors, etc., to
deduct duty
before deliver-
ing property.

14. Any executor having in charge or trust any estate, legacy or property subject to duty shall deduct the duty therefrom, or collect the duty thereon from the person entitled thereto, and he shall not deliver any property subject to duty to any person until he has collected the duty thereon. R.S.O. 1897, c. 24, s. 14.

Persons liable
to duty may
raise same by
sale, etc.

15. Any person authorized or required to pay the duty in respect of any property shall for the purpose of paying such duty or raising the amount of the duty when already paid, have power whether the property is or is not vested in him, to raise the amount of such duty and any interest and expense properly paid or incurred by him in respect thereof by sale mortgage or lease of so much of the property as may be necessary for such purpose.

Duty to be
paid to Treas-
urer.

16. Every sum of money retained by an executor or paid into his hands for the duty on any property, shall be paid by him forthwith to the Treasurer, or as he may direct. R.S.O. 1897, c. 24, s. 16.

Refunding
duty upon
subsequent
payment of
debts.

17. Where any debts shall be proven against the estate of a deceased person, after the payment of legacies or distribution of property from which the duty has been deducted, or upon which it has been paid, and a refund is made by the legatee, devisee, heir or next of kin, a proportion of the duty so paid shall be repaid to him by the executor, if such duty has not been paid to the Treasurer, or by the Treasurer if it has been so paid. R.S.O. 1897, c. 24, s. 17.

Fees of Judges
and Registrars.

18. The Judges and Registrars of the several Surrogate Courts and solicitors practising therein shall be entitled to take for the performance of duties and services under this Act, similar fees to those payable to them for the like services under and by virtue of *The Surrogate Courts Act* and the Surrogate Court rules. R.S.O. 1897, c. 24, s. 21; 6 Edw. VII. c. 19, s. 11 (9).

Rev. stat. c.
59.

19.—(1) Any duty payable under this Act shall be recoverable with full costs of suit as a debt due to His Majesty

from any person liable therefor by action in or on summary application to any court of competent jurisdiction. 62 V. (2), c. 9, s. 1. Recovery of succession duties by action.

(2) The High Court shall also have jurisdiction to determine what property is liable to duty under this Act, the amount of such duty and the time or times when the same is payable, and may itself or through any referee exercise any of the powers conferred upon any officer or person by the said sections 8 to 10. 62 V. (2), c. 9, s. 2. Matters to be determined by High Court in action.

(3) An action may be brought for any of the purposes in this Act mentioned, notwithstanding the time for the payment of the duty has not arrived, subject to the discretion of the court as to costs. 62 V. (2), c. 9, s. 3. Action may be brought before time for payment of duty.

(4) In every such action His Majesty's Attorney-General shall have the same right either before or after the trial to require the production of documents, to examine parties or witnesses or to take such other proceedings in aid of the action as a plaintiff has in an ordinary action. 62 V. (2), c. 9, s. 4. Production of documents, examination of witnesses, etc.

20. The Lieutenant-Governor in Council may make rules and regulations for carrying into effect the provisions of this Act, and such rules and regulations shall be laid before the Legislative Assembly forthwith, if in session at the date of such rules and regulations, and if not then in session such rules and regulations shall be laid before the Assembly within the first seven days of the session next after the same are made. R.S.O. 1897, c. 24, s. 22. Lieutenant-Governor in Council may make regulations.

21. Except as to the liability for duty of estates of persons dying before the commencement of this Act and as to the amount of duty payable in respect thereof, *The Succession Duty Act* and amendments thereto are repealed. R.S.O. Chap. 24 repealed.

3rd Session, 11th Legislature,
7 Edward VII., 1907.

BILL.

An Act to amend and consolidate the law
relating to the Payment of Succession
Duties.

First Reading, 7th March, 1907.
Second Reading, 11th March, 1907.

*(Reprinted as amended in Committee of
the Whole House.)*

Mr. MATHESON.

TORONTO:

PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

An Act to amend The University Act, 1906.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 27 of *The University Act, 1906*, is repealed ^{6 Edw. VII, c. 55, s. 27.} and the following substituted therefor:

27.—(1) The Board may appoint one of its members to be vice-chairman, and in case of the absence or illness of the chairman, or of there being a vacancy in the office of chairman, the vice-chairman shall act for and have all the powers of the chairman. ^{Appointment of Vice-Chairman.}

(2) In case of the absence or illness of the chairman, and the vice-chairman, the Board may appoint one of its members to act as chairman *pro tempore* and the member so appointed shall act for and have all the powers of the chairman.

(3) All acts which lawfully might have been done by the chairman, when done by an acting vice-chairman, or by a chairman *pro tempore* shall be conclusively deemed to have been lawfully done, and it shall not be necessary to prove that any of the causes mentioned in subsection 1 for the vice-chairman acting, or that any of the causes mentioned in subsection 2 for the appointment of a chairman *pro tempore* in fact existed.

2. Section 39 of the said Act is hereby amended by adding thereto the following as subsection 21: ^{6 Edw. VII, c. 55, s. 39.}

(21) To establish, erect, equip, maintain and conduct such primary and secondary schools as they may deem requisite for the purpose of practice and observation, schools or otherwise for or in connection with the faculty of education of the University, and to fix and determine the fees to be paid for instruction in such schools. ^{Observation Schools.}

Borrowing
powers of
Board.

3. In order to enable the Board to provide for the purchase of such land, and the erection of such buildings as from time to time may be necessary for the purposes of the University and University College, including additions to, improvements of, and equipment for buildings now or here- 5
after erected, the Board may from time to time borrow such sums, not exceeding in the whole the sum of two million dollars as may be necessary for the purposes aforesaid, and may make and execute such instruments as may be deemed requisite for securing payment of the sums so borrowed, 10
and the interest thereon.

Money borrow-
ed to be a
charge on
property.

4. The sums so borrowed and the interest thereon shall stand and be charged upon all the property vested in, and the revenues and income of the Board, and it shall not be necessary that any formal instrument declaring such charge 15
shall be executed or registered.

Approval of
Lieutenant-
Governor in
Council.

5. The power of borrowing hereby conferred shall not be exercised unless with the approval of the Lieutenant-Governor in Council, and the Lieutenant-Governor in Council may prescribe the terms and conditions on which from 20
time to time the power shall be exercised and the money borrowed, and the nature of the securities to be given by the board for the repayment of the money borrowed and of the interest thereon, which may be bonds, debentures, terminable annuities or such other form of security as the 25
Lieutenant-Governor in Council may direct or authorize.

Borrowing
powers exer-
cisable from
time to time.

6. The power of borrowing hereby conferred shall be a continuing one, and shall include the power of re-borrowing. Provided always that the amount of the principal money at any time owing shall not exceed in the whole the 30
said sum of two million dollars.

Lieutenant-
Governor in
Council may
guarantee
loans.

7. That it shall be lawful for the Lieutenant-Governor in Council for and in the name of the Province of Ontario to guarantee the securities which shall be given by the Board for all sums borrowed by it under the authority of 35
this section, and the performance by the Board of the stipulations on its part contained in such securities.

No. 184.

3rd Session, 11th Legislature,
7 Edward VII., 1907.

BILL.

An Act to amend The University Act,
1906.

First Reading, 7th March, 1907.

Mr. WHITNEY.

TORONTO:

PRINTED BY L. K. CAMERON,

Printer to the King's Most Excellent Majesty.

An Act to consolidate certain debts of the Town of Alliston.

WHEREAS the Municipal Corporation of the Town of Alliston, has by petition set forth that the total debenture debt of the said Town of Alliston is \$59,206. and that no part of the principal or interest upon the said debt is in arrear; that the total assessment of the said town is \$401,387; that there is due and payable by the said corporation a floating debt amounting to \$3,000 which has been incurred for the most part in the construction of permanent improvements; that to pay the said floating debt, and the sums required to be placed to the credit of the sinking fund account in the years 1907 to 1912 inclusive, with respect to the debentures of the said town falling due in the years 1911 and 1912 would require a rate to be levied which would be unduly oppressive to the ratepayers; and whereas the said municipal corporation has prayed that an Act may be passed to authorize the corporation from time to time to issue debentures payable in twenty-five years from the date of the issue thereof with interest at the rate of four and a half per cent. per annum to an amount not exceeding in the whole \$7,000 for the purpose of paying the said floating debt and to meet the payments required to be made in sinking fund account in respect of the said debentures falling due in the years 1911 and 1912; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The Municipal Corporation of the Town of Alliston made by by-law from time to time provide for the issue of debentures under the corporate seal, signed by the mayor and treasurer for the time being in sums of not less than

Issue of debentures for \$7,000 authorized.

\$100 each, not exceeding in the whole the sum of \$7,000 payable at such places as the corporation may deem expedient.

Period of payment of debentures.

2. A portion of such debentures shall be made payable in each year for a period not exceeding twenty-five years from the date of the issue thereof, so that the aggregate amount payable for principal and interest in any one year in respect of any debt incurred under this Act shall be equal as nearly as may be to the aggregate amount payable for principal and interest during each of the other years of the period within which the debt is to be discharged. 5 10

3. Coupons may be attached to the said debentures for the payment of interest if the by-law so directs, and the said interest shall be payable yearly or half-yearly and at such rate not exceeding five per centum per annum as the said corporation may direct. 15

Hypothecation or sale of debentures.

4. The said corporation may for the purposes herein mentioned raise money by way of loan on the said debentures, or sell and dispose of the same as may be deemed expedient. 20

Application of proceeds of debentures.

5. The said debentures and all money arising therefrom to the amount of \$3,000 shall be applied by the said corporation to the payment of the floating debt, the items whereof are set out in Schedule "A" to this Act, and to the amount of \$4,000 in meeting the annual payments falling due on sinking fund account in the years 1907 to 1912, both inclusive, in respect to the debentures falling due in the years 1911 and 1912 as set out in Schedule "B" to this Act. 25

Assent of electors not required.

6. It shall not be necessary to obtain the assent of the electors of the Town of Alliston to the passing of any by-law or by-laws, which shall be passed under the provisions of this Act, or to observe the formalities in relation thereto, prescribed by *The Consolidated Municipal Act, 1903*, and any provisions in the Acts respecting municipal institutions in the Province of Ontario, which are or may be inconsistent with the provisions of this Act shall not apply to the by-law or by-laws to be passed by the said corporation under the provisions of this Act. 30 35

Irregularity in form not to invalidate.

7. No irregularity in the form of the said debentures or any of them, or of any by-law authorizing the issue thereof shall render the same invalid or illegal, or be allowed as a defence to any action brought against the said corporation for the recovery of the said debentures or interest, or any part thereof, and the purchaser or holder thereof shall not be bound to inquire as to the necessity of passing such by- 40 45

law or issuing debentures, or as to the application of the proceeds thereof.

8. Any by-law to be passed under the provisions of this Act shall not be repealed until the debt created under such by-law and interest thereon is fully paid and satisfied.

By-law not to be respected until debt satisfied.

9. The said corporation shall levy, in addition to all other rates to be levied in each year, a special rate sufficient to pay the amount falling due annually for principal and interest in respect to the debentures authorized to be issued under this Act, to be called "The Consolidated Debenture Rate", and it shall not be necessary to levy for or provide any sinking fund to retire the said debentures or any of them.

Special rate.

10. Except as herein otherwise expressly provided nothing in this Act contained shall be held or taken to discharge the Corporation of the Town of Alliston from any indebtedness or liability.

Indebtedness of town not discharged.

11. It shall be the duty of the treasurer for the time being of the said town to keep, and it shall be the duty of each of the members from time to time of the said municipal council to procure such treasurer to keep, and see that he does keep a proper book of account, setting forth a full and particular statement, so that the same shall at all times show that number of debentures which from time to time shall be issued under the powers conferred by this Act, and the respective amounts, payment of which is thereby secured, and the times at which the said debentures shall respectively become due and payable, and the several amounts which shall from time to time be realized from the sale or negotiation of the said debentures, and the application which shall, from time to time be made of the said amounts, and the said book of account and statement shall at all times and at all reasonable hours be open to the inspection of any ratepayer of the said town, and of any of the holders, from time to time, of the debentures which shall be issued under the powers hereby conferred, or any of such debentures.

Treasurer to keep proper books of account.

12. In case the said corporation shall raise by the issue of debentures under this Act and pay into the credit of the sinking fund account in respect of any of the debentures of the said corporation falling due in 1911 and 1912, the amounts required to be raised and levied on such sinking fund account in any year during the remainder of the terms of such debentures, it shall not be necessary for the Corporation of the Town of Alliston to levy in such year any special rate for payment on account of such sinking fund required to meet the said debentures falling due in the years 1911 and 1912.

Special rate for sinking fund.

SCHEDULE "A."

FLOATING DEBT TO BE CONSOLIDATED.

Due and payable by the Town of Alliston, floating debt amounting to \$3,000, made up as follows:—

Sewer piping and plans for sewer	\$400
Sidewalking, not provided for	1,732
Electric alarm system	400
Repairs to waterworks	300
Grading, etc., on streets	168
	\$3,000

SCHEDULE "B."

STATEMENT SHOWING THE TOTAL DEBENTURE DEBT OF THE TOWN OF ALLISTON, JANUARY 15TH, 1907, WITH THE AMOUNTS PAYABLE EACH YEAR FOR INTEREST AND SINKING FUND.

Waterworks, August 23, 1892, debentures due July 1st, 1922	\$15,800 00
Annual levy for interest	632 00
Annual levy for sinking fund	282 00
Floating debt, June 7th, 1892, consolidated, due December 1st, 1911	3,750 00
Levy each year for interest	168 75
Annual levy for sinking fund	120 25
Floating debt, consolidated, July 19th, 1892, due December 1st, 1911	3,400 00
Annual levy for interest	170 00
Annual levy for sinking fund	103 00
Floating debt, consolidated, August 2nd, 1892, due December 1st, 1911	7,540 00
Annual levy for interest	377 00
Annual levy for sinking fund	228 00
Market Hall, debentures, July 17th, 1893, due December 1st, 1912	7,600 00
Annual levy for interest	380 00
Annual levy for sinking fund	230 00
Floating debt, consolidated, April 20th, 1895, due April 20th, 1921	9,255 00
Annual levy for interest and principal	832 00
School debentures, Nov. 1st, 1905, due Nov. 1st, 1935...	4,911 00
Annual levy for interest and principal	289 15
Local improvement debentures, payable in annual instalments for 25 years	4,450 00
Annual levy for principal and interest	284 85
Street improvement debentures, payable in annual instalments for 25 years	2,500 00
Annual levy for principal and interest	160 00
Total amount of debentures	\$59,206 00

3rd Session, 11th Legislature,
7 Edward VII., 1907.

BILL.

An Act to consolidate certain debts of the
Town of Alliston.

First Reading, 8th March, 1907

(*Private Bill.*)

Mr. DUFF.

TORONTO:

PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

An Act to amend The High Schools Act.

WHEREAS it is just and right that county councils Preamble.
 should pay towards the education of county pupils
 at high schools the same proportion of the costs of perma-
 nent improvements as they now pay of the cost of mainten-
 5 ance of such schools;

Therefore His Majesty, by and with the advice and con-
 sent of the Legislative Assembly of the Province of On-
 tario, enacts as follows:—

1. Subsection 9 of section 2 of *The High Schools Act* is 1 Edw. VII.
c. 40, s. 2,
subs. 9,
amended.
 10 amended by adding thereto after the word "teachers" in
 the last line thereof the words "and permanent improve-
 ments, not exceeding five hundred dollars in any one year." "Maintenance"
meaning of.

2. Section 35 of said Act is amended by striking out 1 Edw. VII.
c. 40, s. 35,
amended.
 15 five hundred dollars in any one year, if required by the
 trustees for permanent improvements."

3. The municipal council of every county shall on or Payments by
county to
municipality
in which
high school
is situate.
 before the 15th day of December in the year 1907, and on
 the 15th day of December in each of the next twenty-nine
 20 years pay to the council of the municipality in which the
 high school is situated the same proportion of the annual
 instalment which would be required to pay the present
 value of the land, buildings, equipment, and other perma-
 nent improvements belonging to the trustees of such high
 20 school together with interest at four and one-half per cent.
 per annum thereon in thirty equal annual instalments as
 the average attendance of county pupils enrolled at such
 high school during the preceding three years bears to the
 average attendance of all the pupils enrolled at the same
 25 school for the same period of three years. In the case of
 new high schools the period herein mentioned for which
 the average attendance is to be reckoned shall be the num-

ber of years for which such school was open, not exceeding three years.

Contribution
of county to
permanent
improvements.

4. The municipal council of every county shall on or before the 15th day of December in each and every year pay to the council of the municipality in which the high school is situated the said proportion of any payment made during the year by such last mentioned council on account of any debenture or debentures hereafter issued by the last mentioned municipality to pay for permanent improvements to such high school hereafter made, provided that a majority of the trustees of such high school appointed by the county council consent to such permanent improvements being made. 5 10

Agreement to
settle the
amount
payable by
county.

5. The county council and the council of the municipality in which the high school is situated may by mutual agreement settle annually the amount to be paid by the county under the two preceding paragraphs, but in the event of their inability to agree with respect to such amount, either party may refer the matter in dispute to the County Judge who shall have power to arbitrate and settle the same. 15 20

When High
School district
includes more
than one
municipality.

6. When the high school district is composed of more municipalities than one, the council of the municipality in which the high school is situated shall on or before the 15th day of December in each year pay to the municipal council of each municipality composing the district such proportion of the amount received from the county under sections 3 and 4 of this Act as the equalized assessment of each municipality or part thereof bears to the equalized assessment of the whole high school district. 25 30

High School
Trustees to
hold lands, etc.,
in trust for
county.

7. The trustees of such high school shall hold the said land, buildings, equipment and other permanent improvements in trust for the county municipality and the municipality or municipalities forming the high school district in proportion to the amount respectively contributed by the said municipalities to pay for the said land, buildings, equipment and other permanent improvements. 35

Act incorporat-
ed with 1 Edw.
VII, c. 40.

8. This Act shall be read with and form part of *The High Schools Act*.

No. 186.

3rd Session, 11th Legislature,
7 Edward VII., 1907.

BILL.

An Act to amend The High Schools Act.

First Reading, 8th March, 1907.

Mr. MCGARRY.

TORONTO:

PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

No. 187.

BILL.

1907.

An Act to amend The Election Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Notwithstanding anything in *The Voters' List Act*,
5 and *The Ontario Elections Act* contained, every unmarried
woman and widow entitled to vote at municipal elections
shall be entitled to vote at elections to serve in the Legis-
lative Assembly in this Province, subject to the same
provisions as to residence in the Province and in the muni-
10 cipality and electoral district, respectively, as in the case
of male voters.
- Unmarried women and widows, when entitled to vote at elections for Legislature.

3rd Session, 11th Legislature,
7 Edward VII., 1907.

BILL.

An Act to amend The Election Act.

1st Reading, 8th March, 1907.

Mr. SMITH,
(Peel).

TORONTO:

PRINTED BY L. K. CAMERON,

Printer to the King's Most Excellent Majesty.

An Act to amend The Land Titles Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The Lieutenant-Governor in Council may name one or more barristers experienced in conveyancing to whom the Master of Titles may refer the examination of the title, in whole or in part, of any property in respect of which an application is filed, and the Master may act upon the opinion of such referee. Employment of counsel for examination of titles. Imperial Land Transfer Rules of 1903, Nos. 36 and 313.
2. Section 19 of *The Land Titles Act* is amended by adding the following as subsection 5 thereof: Rev. Stat. c. 138 amended.
 - (5) Section 8 shall apply to leasehold as well as to freehold land. Trustees of leasehold land.
3. Section 21 of the said Act is amended by inserting "then" after "registered" in the second line of clause 4. Rev. Stat. c. 138, s. 21 amended. Registered owner of leasehold.
4. Section 26 is amended by repealing clauses numbered 1 and 2 thereof and substituting the following therefor: Rev. Stat. c. 138, s. 26.

Statutory or municipal taxes, charges, rates or assessments, school or water rates; unless so far as the contrary is stated in the register. Land to be registered subject to taxes.
5. Section 30 of the said Act is amended by adding at the end of subsection 2 the following: "The death of the person who has signed the requisition or certificate shall not revoke or otherwise affect the same." Rev. Stat. c. 138, s. 30 amended. Death of person certifying as to discharge of mortgage, etc.
6. Section 32 of the said Act is amended by adding the following to the first subsection thereof: "Provided that where a person would but for the provisions of this section have obtained a title to registered land, he may apply to the court for an order declaring him entitled by posses-

Rev. Stat. c. 138, s. 32 amended.

Imp. Act 50-51 Vic., c. 65, s. 12.

Declaration of
title by posses-
sion.

"sion; and the court may, subject to any estates or rights
"acquired by registration for valuable consideration in
"pursuance of this Act order him to be entered as owner
"upon the register."

Rev. Stat.
c. 138, s. 40
amended.

7. Section 40 of the said Act is amended by adding the 5
following as subsection 4 thereof:

Death of per-
son certifying
to cessation of
charge.

(4) The death of the person who has signed the requisition or certificate shall not revoke or otherwise affect the same.

Rev. Stat.
c. 138, s. 67
amended.
Registry of
sale under
execution.

8. Section 67 of the said Act is amended by striking out 10
the words following, "and on proof to his satisfaction of
"the payment of all municipal taxes, except taxes for the
"current year, and of all charges, rates or assessments im-
"posed for local improvements and due or payable up to the
"end of the preceding year." 15

Rev. Stat. c.
738 s. 72
amended.
Imp. Act 60-65
V. c. 65, Sched.
s. 50.

9. Section 72 of the said Act is amended by striking out
the words "made subsequently to the last entry of owner-
ship in the register."

Rev. Stat. c. 138
s. 73 amended.

10. Section 73 of the said Act is amended by repealing 20
the first five lines of subsection 1 thereof and substituting
the following:

Notice of
lease—registra-
tion of.

"In case the lease is by the registered owner of the land,
the Master may without notice to him enter in the register
such notice thereof as he deems necessary. Where the lease
is not by the registered owner but the title of such owner 25
appears to be subject thereto, or in the case of an agree-
ment for a lease, the Master upon notice to such owner may
enter notice of the lease or agreement in the register; and
the applicant shall deliver."

Rev. Stat. c. 138
s. 75 amended.
Effect of
registration of
caution.

11. Section 75 of the said Act is amended by inserting 30
after "owner" in the fifth line the words "or other named
person who is shown to have an interest in the land."

Rev. Stat. c. 138
s. 77 amended,
Registered
owner objec-
ting to regis-
tration of
transferee.

12. Section 77 of the said Act is amended by inserting
"or a charge" after "transfer" in the second line, and by
inserting "or chargee" after "transferee" in the fourth 35
line.

Rev. Stat.
c. 138, ss. 78
and 79
amended.

13.—(1) Section 78 of the said Act is amended by add-
ing thereto the words "or make such other order as he
deems just."

Registered
dealings de-
layed on
security being
given.

(2) Section 79 is amended by inserting "by any other 40
person" after "or" in the second line.

Rev. Stat.

14. Section 82 is amended by striking out "for his own

sake or at the request of some person beneficially interested in such land" and by adding the following as subsection 2 thereof:

c. 138, s. 82 amended.
Imp. Act 60-65 V. Sched. s. 58.
Entering restrictions on register.

(2) This section shall apply to charges as well as to land.

5 15. Section 93 is amended by adding the following as subsection 2 thereof:

Rev. Stat. c. 138, s. 93 amended.

(2) The Master may in like manner refer to the court any question arising upon any application with respect to registered land; and the court shall have in relation to
10 such reference the same powers as it has upon a reference under the preceding subsection.

Reference of questions to Court.

16. Section 102 of the said Act is amended by adding the following as subsections 2 and 3 thereof:

Rev. Stat. c. 138, s. 102 amended.

(2) Where an easement in respect of unregistered land
15 is granted as appurtenant to registered land, the Master may, after such examination as he deems necessary, enter such easement in the register of the dominant land with a declaration that the title thereto is absolute or possessory, or otherwise as the case may require, and shall cause to
20 be registered in the proper registry division a certificate of such entry.

Registration of easements when dominant land registered.

(3) Where an easement in respect of registered land is granted as appurtenant to unregistered land the Master may issue a certificate setting out such easement and the
25 land to which it is appurtenant, in order that the same may be registered in the registry division in which the land is situated and shall note in the register that such certificate has been issued.

Certificate of easement when dominant land unregistered.

17. Section 104 of the said Act is amended by substituting
30 for the first four lines thereof the following: "There may be registered as annexed to any land which is being or has been registered, subject to general rules and in the prescribed manner."

Rev. Stat. c. 138, s. 104 amended.
Annexation of conditions or covenants to registered land.

(2) The said section is further amended by adding the
35 following as subsections 3 and 4 thereof:

Rev. Stat. c. 138, s. 104 amended.

(3) The entry in the register of a condition or covenant as running with or annexed to land shall not make it run with the land, if such covenant or condition on account of its nature, or of the manner in which it is expressed, would
40 not otherwise be annexed to or run with the land.

Covenants or conditions running with land.

(4) Where a condition or covenant has been entered in the register or annexed to or running with land, and a similar condition is contained in a subsequent transfer or a similar covenant is in express terms entered into with the
45 owner of the land by a subsequent transferee, or *vice versa*,

Subsequent transfers.

it shall not be necessary to repeat such condition or covenant in the register or to refer thereto, but the Master may upon a special application enter such condition or covenant either in addition to or in lieu of the condition or covenant first mentioned.

5

Rev. Stat.
c. 138, s. 130.
amended.

18. Section 130 of the said Act is amended by adding the following thereto as subsection 8 thereof:

Imp. Act,
60-61 V. c. 65,
s. 7 (2).
Rectification
of register.

(8) Where a registered disposition would if unregistered be absolutely void, or where the effect of the error would be to deprive a person of land of which he is in possession, 10 or in receipt of the rents and profits, the master may, in the first instance or after a reference to the court, rectify the register, and in case of such rectification the person suffering by the rectification shall be entitled to the compensation provided for by this section.

15

Rev. Stat.
c. 138, s. 132,
amended.
Remedy when
wrongfully
deprived
of land.

19. Section 132 of the said Act is amended by inserting through fraud after the word "owner" in the fourth line thereof.

Rev. Stat.
c. 138, s. 168,
amended,
Inspector of
land titles
offices,

20. Section 168 of the said Act is amended by striking out the words "as soon as this Act applies to ten counties, 20 cities or towns aforesaid" at the beginning thereof.

Rev. Stat.
c. 138, s. 171,
amended.
Assurance
fund.

21. Section 171 of the said Act is amended by adding at the end of subsection 2 the following words, namely: "but this shall not prevent the registration of a transfer made upon a sale for taxes, or upon a winding-up of a company, 25 or under execution, in case the whole parcel is thereby transferred.

Rev. Stat.
c. 138, s. 172,
Notice of
master to
sheriff and
treasurer.

22. Section 172 of the said Act is amended by striking out all of subsection 1 after the word "owner" in the fourth line, and so much of the said section as relates to 30 taxes is hereby repealed.

3 Edw. VII.
c. 12, s. 7,
amended.
First registra-
districts.

23. Section 7 of the Act passed in the third year of His Majesty's reign and Chaptered 12, is amended by inserting before "applications" in the first line the words "until an Inspector of Land Titles offices is appointed", and by 35 adding thereto the following as subsection 2 thereof:

(2) This section shall not apply to applications for a possessory title, or for the registration of leaseholds where the freehold or other estate out of which the lease is derived is registered land, or where a declaration of the title of the 40 lessor to grant the lease is not required.

3rd Session, 11th Legislature,
7 Edward VII., 1907.

BILL.

An Act to amend The Land Titles Act.

First Reading, 8th March, 1907.

Mr. Foy.

TORONTO:

PRINTED BY L. K. CAMERON,

Printer to the King's Most Excellent Majesty.

An Act respecting By-law No. 558 of the County of
Oxford.

WHEREAS the Municipal Corporation of the County ^{Preamble.}
of Oxford has by petition prayed that an Act may
be passed to legalize and confirm By-law No. 558 of the
said county by a by-law "To designate certain roads in the
5 County of Oxford as highways to be improved and, to
amend By-law No. 519"; and whereas it appears that the
municipal council of the said county did on the 8th day
of February, 1904, pass By-law No. 519 to raise by way of
loan \$35,000 to be paid to the several toll-road owners in
10 the county for the purpose of abolishing the tolls, and to
provide for the improvement of certain roads in the county
by way of county appropriation; and whereas the said by-
law among other things provided that the toll roads pur-
chased under the said by-law should be maintained by the
15 councils of the townships in which the same are situate and
that the council of the said county should for twenty years
make an annual appropriation of not less than \$30 per mile
for the improvement of certain specified and selected pub-
lic highways including the mileage of the toll roads pur-
20 chased in the several township municipalities and in the
county subject to the conditions set out in the said by-law;
and whereas it appears that it has been found expedient to
abandon the method prescribed in the said by-law for the
maintenance of the said roads and that the same should
25 be assumed and maintained by the corporation of the coun-
ty; and whereas it has further been found expedient that
certain roads should be included in the scheme of road im-
provement in the said county; and whereas it is expedient
to grant the prayer of the said petition;

30 Therefore His Majesty, by and with the advice and con-
sent of the Legislative Assembly of the Province of On-
tario, enacts as follows:—

By-law No.
558 confirmed.

1. By-law No. 558 of the Municipal Corporation of the County of Oxford being a by-law "To designate certain roads in the County of Oxford as highways to be improved and to amend By-law No. 519" as set out in the schedule to this Act is confirmed and declared to be legal, valid and binding upon the corporation of the said county and the ratepayers thereof. 5

By-law No.
519 amended.

2. By-law No. 519 of the said corporation as confirmed by the Act passed in the fourth year of His Majesty's reign, Chaptered 60, is amended by striking out the 9th, 10th, 10 11th, 12th and 13th paragraphs of the said by-law.

Highways to
be assumed
and maintain-
ed by county.

3. The highways described in the schedule to the said By-law No. 558 shall be deemed to be assumed by the Corporation of the County of Oxford and shall hereafter be maintained and kept in repair by the said corporation and 15 all sums required therefor shall be raised and levied by general county rate upon the property in the several municipalities of the said county not separated therefrom for municipal purposes.

SCHEDULE "A."

BY-LAW No. 558.

To designate certain Roads in the County of Oxford as Highways to be improved, and to amend By-law No. 519.

Whereas the Municipal Council of the County of Oxford, did on the 8th day of February, 1904, pass By-law No. 519, to raise by way of loan \$35,000 to be paid to the several toll road owners in the county for the purpose of abolishing the tolls and to provide for the improvement of certain roads in the county by way of county appropriation;

And whereas the said by-law among other things provided that the sum of \$2,575.36 should be raised and levied annually from the municipalities in the said county in accordance with the schedule set out in the by-law for the purpose of paying the said debentures;

And whereas by the said by-law it was further provided that the toll roads purchased under the said by-law should be maintained by the councils of the said townships in which the same are situate, and that the Council of the County of Oxford should for twenty years make an annual appropriation of not less than \$30 per mile for the improvement of certain specified and selected public highways in the several township municipalities in the county subject to the conditions set out in the said by-law;

And whereas it has been found expedient to abandon the method prescribed in the said by-law for the maintenance of the said roads and that the same should be assumed and maintained by the corporation of the county;

And whereas it has further been found expedient that several other roads should be included in the scheme of road improvement in the said county;

Therefore the Municipal Council of the Corporation of the County of Oxford enacts as follows:—

1. The highways set out and described in the schedule and shown on map hereto attached are designated as the highways to be improved in the County of Oxford within the meaning of *The Act for the Improvement of Public Highways*, passed in the first year of His Majesty's reign, chapter 32.

2. The said highways are assumed by and shall hereafter be maintained and kept in repair by the Corporation of the County of Oxford.

3. There shall be levied and raised by general county rate in each year a sum sufficient to maintain the said highways and keep the same in repair.

4. During the currency of the debentures issued under the authority of the said By-law No. 519 there shall be levied and raised annually by special rate as provided in clause six of By-law 519 and the schedule therein contained, the sum of \$2,575.36 to meet the payments on account of principal and interest falling due upon the said debentures.

5. The 9th, 10th, 11th, 12th and 13th sections of the said By-law No. 519 are repealed.

6. The Legislature of Ontario shall be memorialized by this council to legalize and confirm this by-law and to authorize the payment to the County of Oxford of its share of the sum set apart under the said *Act for the Improvement of Public Highways*, and this by-law shall not take effect or come into operation until so legalized and confirmed.

Read a third time and passed, this 8th day of March, 1907.

(Sgd.) WM. HOLMES,
Warden,

County of Oxford.

(Sgd.) JAMES WHITE,
Clerk,

(Seal).

County of Oxford.

SCHEDULE OF COUNTY ROADS.

Commencing at the westerly limit of the Township of West Oxford, thence to the western limit of the Town of Ingersoll, thence from the eastern boundary of the Town of Ingersoll to the western boundary of the City of Woodstock, thence from the eastern boundary of the City of Woodstock to the Village of Eastwood, thence southeasterly through the Township of East Oxford to a point on the boundary line between East Oxford and Burford, in the fourth concession, hitherto known as the Woodstock and Ingersoll Gravel Road.

Commencing on the boundary line between Ingersoll and the Township of North Oxford, running northwesterly to the boundary between North Oxford and East Nissouri, hitherto known as the Ingersoll and Thamesford Gravel Road.

Commencing on the boundary line between Ingersoll and the Township of North Oxford, running northerly to the boundary between the Township of North Oxford and the Township of West Zorra, thence westerly to the boundary between the Township of West Zorra and East Nissouri, hitherto known as the Ingersoll and Northern Gravel Road.

Commencing at Grand Trunk Railway crossing at Beachville, to the south boundary of the Village of Embro, thence from the northern boundary of the Village of Embro north to the boundary line between the Township of West Zorra and the Township of Downie, hitherto known as the North Oxford and West Zorra Gravel Road.

Commencing at the boundary line between North Oxford and East Nissouri in the tenth concession of East Nissouri, thence north to the boundary line between East Nissouri and Downie.

Commencing at the boundary line between North Oxford and East Nissouri, in the twelfth concession of the Township of East

Nissouri, thence north along the twelfth concession to the boundary between East Nissouri and Downie.

Commencing at town line between West Zorra and East Nissouri between lots 15 and 16, thence east to the fourth line of West Zorra.

Commencing at Harrington School House, between lots 30 and 31 West Zorra, thence east to town line between East and West Zorra.

Commencing at a point on the fourth concession of West Zorra between lots 20 and 21, thence east to the boundary between East Zorra and Blandford.

Commencing at the boundary between Blandford and the City of Woodstock, thence north along twelfth line of East Zorra to a point in lot 34, thence northeasterly to the Village of Tavistock.

Commencing at the southern boundary of the Township of Blandford, running northerly between lots 6 and 7 to the fourth concession.

Commencing at the seventh concession line where it intersects the boundary line between East Zorra and Blandford, running easterly along the seventh line of Blandford to lots 6 and 7, thence northerly to the thirteenth concession line.

Commencing on the eleventh concession line of Blandford at lot 5 running easterly to the Village of Bright, continuing along the eleventh concession of Blenheim to the west quarter town line, thence northerly to the Village of Plattsville, thence westerly along the 13th concession line to the boundary line between Blenheim and Blandford.

Commencing at the Village of Plattsville and running along the thirteenth line east to the Village of Washington, thence southerly along the middle town line to the second concession line.

Commencing on the tenth line of Blenheim where it intersects the middle town line to eastern boundary between Blenheim and North Dumfries.

Commencing on the eighth concession line of Blenheim where said line intersects the middle town line running easterly to the east quarter town line, thence southerly to the fifth concession line.

Commencing on the fifth concession line of Blenheim where said line intersects the middle town line running easterly to the boundary line between Blenheim and South Dumfries.

Commencing on the second concession line of Blenheim where said line intersects the middle town line, running westerly to the boundary between Blenheim and Blandford.

Commencing at a point on the town line between East Zorra and South Easthope, thence south along the sixteenth line of East Zorra to the boundary between East Zorra and Blandford, and continue along side line between lots 12 and 13 of the Township of Blandford to Governor's Road.

Commencing at the Governor's Road at a point between North Oxford and West Zorra, thence north along the fourth line of West Zorra to Cody's Corners, thence east between lots 5 and 6 to the eleventh concession of East Zorra, thence south to the boundary line between East Zorra and Blandford.

Commencing at the boundary line between Dereham and Bayham, thence north along road known as the Ingersoll and Dereham Gravel Road to the boundary line of the Town of Ingersoll.

Commencing at a point on boundary between Tillsonburg and Dereham, thence north and northwesterly along road known as the Ingersoll and Port Burwell Gravel Road to the boundary between Ingersoll and West Oxford.

Commencing at a point on the town line between Dereham and Bayham between lots 14 and 15, thence north along middle town line of Dereham intersecting with Ingersoll and Port Burwell Gravel Road.

Commencing at a point on the boundary between Dereham and the Town of Tillsonburg, thence east and north along roads

known as the tenth concession of Dereham and New Road, South Norwich, to west quarter town line, thence north to the Village of Springford, thence east along eighth concession of South Norwich to east quarter town line, thence north along said road to the Village of Norwich.

Commencing at a point on coal road between South Norwich and Middleton, thence northwesterly to the eighth concession of South Norwich.

Commencing at the southern boundary of the City of Woodstock, running southerly through the Township of East Oxford about five miles (hitherto known as the Woodstock and Norwich Gravel Road), thence continue in a southerly direction where it intersects the boundary line between East Oxford and North Norwich, thence southerly until it intersects the first concession line of the Township, thence easterly along said concession line where it intersects the middle town line, thence southerly to a point where it intersects the fourth concession line.

Commencing on the fourth concession line where the same intersects the west quarter town line, thence easterly along the said fourth concession line to the boundary line between North Norwich and the Village of Norwich, then commence again at eastern boundary of the Village of Norwich along the fourth concession line to the boundary line between North Norwich and the Township of Windham.

Commencing at the northern boundary of the Village of Norwich on the west quarter town line, running northerly through North Norwich to the boundary line between North Norwich and East Oxford, continuing northerly along the west quarter town line of the Township of East Oxford to a point where said quarter town line intersects the old Brantford Road.

Commencing on the third concession of the Township of North Norwich where said line intersects the east quarter town line, running easterly to a point where said line intersects the old road known as the New Dereham Road, thence northeasterly to the boundary line between North Norwich and the Township of Burford.

JAMES WHITE,
County Clerk.

3rd Session, 11th Legislature,
7 Edward VII., 1907.

BILL.

An Act respecting By-law No. 558 of the
County of Oxford.

First Reading,	1907.
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(*Private Bill.*)

Mr. MUNRO.

TORONTO:

PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

An Act respecting By-law No. 558 of the County of
Oxford.

WHEREAS the Municipal Corporation of the County ^{Preamble.} of Oxford has by petition prayed that an Act may be passed to legalize and confirm By-law No. 558 of the said county *being* a by-law "To designate certain roads in the County of Oxford as highways to be improved and to amend By-law No. 519"; and whereas it appears that the municipal council of the said county did on the 8th day of February, 1904, pass By-law No. 519 to raise by way of loan \$35,000 to be paid to the several toll-road owners in the county for the purpose of abolishing the tolls, and to provide for the improvement of certain roads in the county by way of county appropriation; and whereas the said by-law among other things provided that the toll roads purchased under the said by-law should be maintained by the councils of the townships in which the same are situate and that the council of the said county should for twenty years make an annual appropriation of not less than \$30 per mile for the improvement of certain specified and selected public highways including the mileage of the toll roads purchased in the several township municipalities and in the county subject to the conditions set out in the said by-law; and whereas it appears that it has been found expedient to abandon the method prescribed in the said by-law for the maintenance of the said roads and that the same should be assumed and maintained by the corporation of the county; and whereas it has further been found expedient that certain roads should be included in the scheme of road improvement in the said county; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

By-law No.
558 confirmed.

1. By-law No. 558 of the Municipal Corporation of the County of Oxford being a by-law "To designate certain roads in the County of Oxford as highways to be improved and to amend By-law No. 519" as set out in the schedule to this Act is confirmed and declared to be legal, valid and binding upon the corporation of the said county and the ratepayers thereof.

Highways to
be assumed
and maintain-
ed by county.

2. The highways described in the schedule to the said By-law No. 558 shall be deemed to be assumed by the Corporation of the County of Oxford and shall hereafter be maintained and kept in repair by the said corporation and all sums required therefor shall be raised and levied by general county rate upon the property in the several municipalities of the said county not separated therefrom for municipal purposes.

SCHEDULE "A."

BY-LAW No. 558.

To designate certain Roads in the County of Oxford as Highways to be improved, and to amend By-law No. 519.

Whereas the Municipal Council of the County of Oxford, did on the 8th day of February, 1904, pass By-law No. 519, to raise by way of loan \$35,000 to be paid to the several toll road owners in the county for the purpose of abolishing the tolls and to provide for the improvement of certain roads in the county by way of county appropriation;

And whereas the said by-law among other things provided that the sum of \$2,575.36 should be raised and levied annually from the municipalities in the said county in accordance with the schedule set out in the by-law for the purpose of paying the said debentures;

And whereas by the said by-law it was further provided that the toll roads purchased under the said by-law should be maintained by the councils of the said townships in which the same are situate, and that the Council of the County of Oxford should for twenty years make an annual appropriation of not less than \$30 per mile for the improvement of certain specified and selected public highways in the several township municipalities in the county subject to the conditions set out in the said by-law;

And whereas it has been found expedient to abandon the method prescribed in the said by-law for the maintenance of the said roads and that the same should be assumed and maintained by the corporation of the county;

And whereas it has further been found expedient that several other roads should be included in the scheme of road improvement in the said county;

Therefore the Municipal Council of the Corporation of the County of Oxford enacts as follows:—

1. The highways set out and described in the schedule and shown on map hereto attached are designated as the highways to be improved in the County of Oxford within the meaning of *The Act for the Improvement of Public Highways*, passed in the first year of His Majesty's reign. chapter 32.

2. The said highways are assumed by and shall hereafter be maintained and kept in repair by the Corporation of the County of Oxford.

3. There shall be levied and raised by general county rate in each year a sum sufficient to maintain the said highways and keep the same in repair.

4. During the currency of the debentures issued under the authority of the said By-law No. 519 there shall be levied and raised annually by special rate as provided in clause six of By-law 519 and the schedule therein contained, the sum of \$2,575.36 to meet the payments on account of principal and interest falling due upon the said debentures.

5. The 9th, 10th, 11th, 12th and 13th sections of the said By-law No. 519 are repealed.

6. The Legislature of Ontario shall be memorialized by this council to legalize and confirm this by-law and to authorize the payment to the County of Oxford of its share of the sum set apart under the said *Act for the Improvement of Public Highways*, and this by-law shall not take effect or come into operation until so legalized and confirmed.

Read a third time and passed, this 8th day of March, 1907.

(Sgd.) WM. HOLMES,
Warden.

County of Oxford.

(Sgd.) JAMES WHITE,
Clerk.

(Seal).

County of Oxford.

SCHEDULE OF COUNTY ROADS.

Commencing at the westerly limit of the Township of West Oxford, thence to the western limit of the Town of Ingersoll, thence from the eastern boundary of the Town of Ingersoll to the western boundary of the City of Woodstock, thence from the eastern boundary of the City of Woodstock to the Village of Eastwood, thence southeasterly through the Township of East Oxford to a point on the boundary line between East Oxford and Burford, in the fourth concession, hitherto known as the Woodstock and Ingersoll Gravel Road.

Commencing on the boundary line between Ingersoll and the Township of North Oxford, running northwesterly to the boundary between North Oxford and East Nissouri, hitherto known as the Ingersoll and Thamesford Gravel Road.

Commencing on the boundary line between Ingersoll and the Township of North Oxford, running northerly to the boundary between the Township of North Oxford and the Township of West Zorra, thence westerly to the boundary between the Township of West Zorra and East Nissouri, hitherto known as the Ingersoll and Northern Gravel Road.

Commencing at Grand Trunk Railway crossing at Beachville, to the south boundary of the Village of Embro, thence from the northern boundary of the Village of Embro north to the boundary line between the Township of West Zorra and the Township of Downie, hitherto known as the North Oxford and West Zorra Gravel Road.

Commencing at the boundary line between North Oxford and East Nissouri in the tenth concession of East Nissouri, thence north to the boundary line between East Nissouri and Downie.

Commencing at the boundary line between North Oxford and East Nissouri, in the twelfth concession of the Township of East Nissouri, thence north along the twelfth concession to the boundary between East Nissouri and Downie.

Commencing at town line between West Zorra and East Nissouri between lots 15 and 16, thence east to the fourth line of West Zorra.

Commencing at Harrington School House, between lots 30 and 31 West Zorra, thence east to town line between East and West Zorra.

Commencing at a point on the fourth concession of West Zorra between lots 20 and 21, thence east to the boundary between East Zorra and Blandford.

Commencing at the boundary between Blandford and the City of Woodstock, thence north along twelfth line of East Zorra to a point in lot 34, thence northeasterly to the Village of Tavistock.

Commencing at the southern boundary of the Township of Blandford, running northerly between lots 6 and 7 to the fourth concession.

Commencing at the seventh concession line where it intersects the boundary line between East Zorra and Blandford, running easterly along the seventh line of Blandford to lots 6 and 7, thence northerly to the thirteenth concession line.

Commencing on the eleventh concession line of Blandford at lot 5 running easterly to the Village of Bright, continuing along the eleventh concession of Blenheim to the west quarter town line, thence northerly to the Village of Plattsville, thence westerly along the 13th concession line to the boundary line between Blenheim and Blandford.

Commencing at the Village of Plattsville and running along the thirteenth line east to the Village of Washington, thence southerly along the middle town line to the second concession line.

Commencing on the tenth line of Blenheim where it intersects the middle town line to eastern boundary between Blenheim and North Dumfries.

Commencing on the eighth concession line of Blenheim where said line intersects the middle town line running easterly to the east quarter town line, thence southerly to the fifth concession line.

Commencing on the fifth concession line of Blenheim where said line intersects the middle town line running easterly to the boundary line between Blenheim and South Dumfries.

Commencing on the second concession line of Blenheim where said line intersects the middle town line, running westerly to the boundary between Blenheim and Blandford.

Commencing at a point on the town line between East Zorra and South Easthope, thence south along the sixteenth line of East Zorra to the boundary between East Zorra and Blandford, and continue along side line between lots 12 and 13 of the Township of Blandford to Governor's Road.

Commencing at the Governor's Road at a point between North Oxford and West Zorra, thence north along the fourth line of West Zorra to Cody's Corners, thence east between lots 5 and 6 to the eleventh concession of East Zorra, thence south to the boundary line between East Zorra and Blandford.

Commencing at the boundary line between Dereham and Bayham, thence north along road known as the Ingersoll and Dereham Gravel Road to the boundary line of the Town of Ingersoll.

Commencing at a point on boundary between Tillsonburg and Dereham, thence north and northwesterly along road known as the Ingersoll and Port Burwell Gravel Road to the boundary between Ingersoll and West Oxford.

Commencing at a point on the town line between Dereham and Bayham between lots 14 and 15, thence north along middle town line of Dereham intersecting with Ingersoll and Port Burwell Gravel Road.

Commencing at a point on the boundary between Dereham and the Town of Tillsonburg, thence east and north along roads known as the tenth concession of Dereham and New Road, South Norwich, to west quarter town line, thence north to the Village of Springford, thence east along eighth concession of South Norwich to east quarter town line, thence north along said road to the Village of Norwich.

Commencing at a point on coal road between South Norwich and Middleton, thence northwesterly to the eighth concession of South Norwich.

Commencing at the southern boundary of the City of Woodstock, running southerly through the Township of East Oxford about five miles (hitherto known as the Woodstock and Norwich Gravel Road), thence continue in a southerly direction where it intersects the boundary line between East Oxford and North Norwich, thence southerly until it intersects the first concession line of the Township, thence easterly along said concession line where it intersects the middle town line, thence southerly to a point where it intersects the fourth concession line.

Commencing on the fourth concession line where the same intersects the west quarter town line, thence easterly along the said fourth concession line to the boundary line between North Norwich and the Village of Norwich, then commence again at eastern boundary of the Village of Norwich along the fourth concession line to the boundary line between North Norwich and the Township of Windham.

Commencing at the northern boundary of the Village of Norwich on the west quarter town line, running northerly through North Norwich to the boundary line between North Norwich and East Oxford, continuing northerly along the west quarter town line of the Township of East Oxford to a point where said quarter town line intersects the old Brantford Road.

Commencing on the third concession of the Township of North Norwich where said line intersects the east quarter town line, running easterly to a point where said line intersects the old road known as the New Dereham Road, thence northeasterly to the boundary line between North Norwich and the Township of Burford.

JAMES WHITE,
County Clerk

No. 189.

3rd Session, 11th Legislature,
7 Edward VII., 1907.

BILL.

An Act respecting By-law No. 538 of the
County of Oxford.

First Reading, 13th March, 1907.

*(Reprinted as amended by Private Bills
Committee.)*

Mr. MUNRO.

TORONTO:

PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

No. 190.

BILL.

1907.

An Act to amend The Assessment Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 15 of *The Assessment Act* is hereby amended by 4 Edw. VII. c. 23, s. 15 amended.
5 striking out the word "February" where it occurs in the first
sub-section and substituting the word "March" therefor.

2. Section 73 of said Act is hereby repealed and the follow- 4 Edw. VII. c. 23, s. 73 repealed.
ing substituted therefor:

73. "The costs chargeable or to be awarded in any case Costs of proceedings before Court of Revision.
10 may be the costs of witnesses and of procuring their attendance, to be taxed according to the allowance in the Division
Court for such costs, and where counsel, solicitor or agent has
been employed by the successful party on the hearing of the
appeal a fee not exceeding \$10 may be allowed to the success-
15 ful party; and in cases where execution issues the costs
thereof as in the Division Court and of enforcing the same
may also be collected thereunder."

3rd Session, 11th Legislature,
7 Edward VII., 1907.

BILL.

An Act to amend The Assessment Act.

First Reading, 11th March, 1907.

Mr. DOWNEY.

TORONTO:

PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

No. 191.

BILL.

1907.

An Act to amend the Act respecting Joint Stock Companies for supplying Cities, Towns and Villages with Gas and Water.

HIS MAJESTY by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows:

1. Section I of the Act passed in the sixth year of His Majesty's reign, Chaptered 29, is amended by adding after the word "placed" in the eighth line of the said section, the words "or any municipality which has entered into a contract with such company for a supply of gas, water or electricity for light or power."

<sup>6 Edw. VII,
c. 29 s. 1</sup>
amended.

3rd Session, 11th Legislature,
7 Edward VII., 1907.

BILL.

An Act to amend the Act respecting Joint
Stock Companies for supplying Cities,
Towns and Villages with Gas and
Water.

First Reading, 11th March, 1907.

Mr. CAMERON.

TORONTO:

PRINTED BY L. K. CAMERON,

Printer to the King's Most Excellent Majesty

An Act to amend the Act respecting Joint Stock Companies for supplying Cities, Towns and Villages with Gas and Water.

HIS MAJESTY by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows:

1. Section 12 of *The Act respecting Joint Stock Companies for supplying Cities, Towns and Villages with Gas and Water* as amended is repealed and the following substituted therefor: **1**

12. Any municipality in which the works of such company are erected or placed or any municipality lying in whole or in part within a radius of fifty miles of such municipality in which such works are so placed may by by-law subscribe for and take stock in such company or loan any sum of money on mortgage or otherwise to or guarantee the payment of the bonds or debentures of such company or contribute in any manner towards advancing the objects for which such company has been incorporated or may enter into a contract for leasing the real and personal property, assets and franchises of such company, and such contract of lease may contain an option of purchase of the property, assets and franchises of the company, or may purchase the real and personal property, assets and franchises of the company, either for cash or by instalments of the purchase money. But no such by-law guaranteeing the payment of the bonds or debentures of any such company, or providing for the leasing or purchasing of the property thereof shall be finally passed until the same has received the assent of the electors qualified to vote upon money by-laws in accordance with the provisions of *The Consolidated Municipal Act, 1903.* **1**

No. 191.

3rd Session, 11th Legislature,
7 Edward VII., 1907.

BILL.

An Act to amend the Act respecting Joint
Stock Companies for supplying Cities,
Towns and Villages with Gas and
Water.

First Reading, 11th March, 1907.

*(Reprinted as amended by the Municipal
Committee.)*

Mr. CAMERON.

TORONTO:

PRINTED BY L. K. CAMERON,

Printer to the King's Most Excellent Majesty.

An Act to make provision for the Plugging of
Natural Gas and Oil Wells and to prevent the
Wasting of Natural Gas.

HIS MAJESTY, by and with the advice and consent
of the Legislative Assembly of the Province of On-
tario, enacts as follows:—

1. Any person in possession, whether as owner, lessee,
5 agent or manager, of any well in which natural gas has
been found in paying quantities, shall, unless such gas is
sooner utilized, within two weeks from the completion of
such well, in order to prevent the said gas from wasting by
escape, shut in and confine the same in such well until such
10 time as it is utilized; but this section shall not apply to
any well while it is being operated as an oil well.

Well to be shut
in when gas is
found.

2. Where any well has been put down for the purpose of
drilling or exploring for gas or oil and such well is after-
wards abandoned, it shall be the duty of the person having
15 the custody or control of such well at the time of such aban-
donment, to plug such well at a point a few feet from the
bottom of the casing used for the shutting off of the water
while the well was in process of drilling, in the following
manner: First, in order to form a bridge below the point
20 where it is desired to plug the hole, a three-prong stick
shall be inserted to catch on the wall of the well by friction
to a point about fifteen feet from the bottom of the casing,
then on top of this a wooden plug shall be inserted, then
broken stones shall be thrown in and driven down with the
25 tools, then a rubber plug with a tapering hole through it
shall be dropped in, in which shall be inserted afterwards
a hard wooden tapered mandrel, which shall be driven
into the rubber plug with the tools.

Manner in
which
abandoned
wells to be
plugged.

3. Any person guilty of any violation of sections 1 and 2
30 shall incur a penalty of not less than \$25 per day for
every day any such violation shall continue.

Penalty.

Inspectors.

4. The Government shall appoint one or more inspectors to properly enforce the provisions of this Act.

Repeal of
former enact-
ments.

5. All former Acts in relation to the above are repealed.

3rd Session, 11th Legislature,
7 Edward VII., 1907.

BILL.

An Act to make provision for the Plugging
of Natural Gas and Oil Wells and to
to Prevent the Wasting of Natural Gas.

First Reading, 11th March, 1907.

Mr. FRASER.

TORONTO:

PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

An Act respecting the City of Ottawa.

WHEREAS the Corporation of the City of Ottawa has Preamble.
by petition represented that under the authority of section 7 of an Act passed in the 6th year of the reign of His Majesty, Chaptered 87, intituled *An Act respecting the*
5 *City of Ottawa*, the question "are you in favour of the establishment of a board of control and the reduction of the number of aldermen to two for each ward?" was submitted to the electors of the said City of Ottawa qualified to vote at municipal elections at the last municipal election
10 held in the said city, that a majority of such electors voting thereon voted in the affirmative, that subsequently the council of the said corporation passed by-laws for respectively the establishment of a board of control and the reduction of the number of aldermen to two for each ward
15 in the said city and that it is desirable that all doubt as to the validity of the said by-laws should be removed and has prayed that such by-laws may be validated and confirmed; and whereas the said corporation has further prayed that its council may be empowered to grant either fixed assessments or tax exemptions for a period of years as the circumstances may warrant and water at cost to non-competitive industries without obtaining the assent of the electors to any by-law in connection therewith; and whereas the
20 said corporation has further prayed that it may be empowered to borrow the sum of \$16,000 upon an issue of debentures for the purpose of purchasing and erecting an asphalt paving plant without obtaining the assent of the electors to any by-law in connection therewith; and whereas the said corporation has further prayed that it may be empowered to borrow the sum of \$40,000 upon an issue of debentures for the purpose of enlarging the city hall in the said
25 city without obtaining the assent of the electors to any by-law in connection therewith; and whereas the said corporation has further represented that the Grand Trunk
30 Railway Company of Canada has applied to the said corporation for aid and assistance towards the erection of a

central union passenger station and an hotel in the said city and that the said corporation has offered to grant the said railway company a fixed assessment of \$150,000 for twenty years upon a central union passenger station to be constructed at a cost of not less than \$250,000 upon the site 5 indicated on the plans submitted to the said corporation by the said railway company and according to the said plans and on the land used for passenger purposes in connection therewith, to stop up the street ends indicated on the said plans and to convey the same to the said railway 10 company and to widen Little Sussex Street from Rideau Street to Besserer Street in the said city to a width of about 100 feet provided that provision be made by the said railway company for a railway entrance to the said station from the north from a connection with the Alexandra 15 Bridge over the Ottawa River and provided that work be commenced on the said station on or before the first day of July, 1907, and prosecuted diligently until completion, strikes and the act of God alone excepted and upon and subject to the condition that the said railway company 20 will construct an hotel in the said city at a cost of not less than \$1,000,000 and has offered to grant the said railway company a fixed assessment of \$500,000 for fifteen years upon an hotel to be constructed by the said railway company in the said city at a cost of not less than \$1,000,000, 25 provided that the construction of the said hotel be commenced not later than the first day of July, 1907, and diligently prosecuted to completion, strikes and the act of God alone excepted, and upon and subject to the condition that the said railway company will also construct a central 30 union passenger station as hereinbefore mentioned in the manner and at the times also hereinbefore mentioned, and has prayed that it may be empowered to grant the said aid and assistance to the said railway company; and whereas it is expedient to grant the prayers of the said petition; 35

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

By-laws No.
2610 and 2612
of City of
Ottawa.

1. By-law Number 2610 of the Corporation of the City of Ottawa, intituled "A By-law to establish a Board of 40 Control for the City of Ottawa," which by-law is set out in Schedule "A" to this Act, and By-law Number 2612 of the said corporation, intituled "A By-law for the reduction of the number of Aldermen in the City of Ottawa to two in each Ward," which by-law is set out in Schedule "B" 45 to this Act, are validated and confirmed.

Authority to
borrow \$16,000
for purchase of
asphalt paving
plant.

2. The said corporation may borrow upon a special issue of debentures bearing interest at such rate as the council of the said corporation may determine payable in twenty

years from the date thereof a sum not exceeding \$16,000 for the purpose of purchasing and erecting an asphalt paving plant.

3. The said corporation may also borrow upon a special
 5 issue of debentures bearing interest at such rate as the council of the said corporation may determine and payable in thirty years from the date thereof a sum not exceeding \$40,000 for the purpose of enlarging the city hall in the said city.
- 10 4. The by-laws to be passed under the two immediately preceding sections shall not require to be submitted to or to have the assent of the electors of the said city before the final passing thereof.
- 15 5. Notwithstanding anything contained in *The Consolidated Municipal Act, 1903*, or in any amendment thereof or in *The Assessment Act* or in any amendment thereof or in the Act intituled *An Act for the Construction of Water Works for the City of Ottawa*, being 35 Victoria, Chapter 80, of the Statutes of the Province of Ontario or in any
 20 amendment thereof or in the Act intituled *An Act respecting the Water Works of the City of Ottawa*, being 42 Victoria, Chapter 78, of the Statutes of the Province of Ontario or in any amendment thereof, the council of the said corporation may grant either fixed assessments or tax ex-
 25 emptions for a period of years as in the opinion of the said council the circumstances may warrant and water at cost to non-competitive industries without obtaining the assent of the electors to any by-law in connection with any such grant before the final passing thereof.
- 30 6. The said corporation may enter into an agreement with the Grand Trunk Railway Company of Canada agreeing to grant the said railway company a fixed assessment of \$150,000 for a period of twenty years on a central union passenger station to be constructed on the site indicated
 35 on the plans submitted to the council of the said corporation by the said railway company and according to the said plans at a cost of not less than \$250,000 and the land used in connection therewith for passenger purposes, and to stop up and convey to the said railway company the street
 40 ends indicated on the said plans and to widen Little Sussex Street from Rideau Street to Besserer Street in the said city to a width of about one hundred feet at the cost of the said corporation, provided that provision be made by the said railway company for a railway entrance to the
 45 said station from the north from a connection with the Alexandra Bridge over the Ottawa River and provided that the work be commenced on the said station not later than the first day of July, 1907, and diligently prosecuted

Authority to borrow \$40,000 for enlarging City Hall.

Assent of electors not required.

Power to pass by-laws fixing assessments, granting exemptions and free water without assent of electors.

Power to grant fixed assessment of \$150,000 on passenger station for 20 years, and \$500,000 on hotel to be erected by G. T. R. Co. without assent of electors.

to completion, the act of God and strikes alone excepted, upon and subject, however, to the condition that the said railway company shall agree to also construct an hotel in the said city at a cost of not less than \$1,000,000 and also agreeing to grant the said railway company a fixed assessment of \$500,000 for a period of fifteen years upon an hotel to be constructed by the said railway company in the said city at a cost of not less than \$1,000,000 provided that the construction of the said hotel be commenced not later than the said first day of July, 1907, and thereafter diligently prosecuted to completion, the act of God and strikes alone excepted, upon and subject to the condition, however, that the said railway company shall agree to construct a central union passenger station as hereinbefore mentioned within the time, in the manner, according to the plans and subject to the conditions also hereinbefore mentioned.

Power to
borrow cost of
widening Little
Sussex Street.

7. The said corporation may borrow upon a special issue of debentures bearing interest at such rate as the council of the said corporation may determine and payable in thirty years from the date thereof such sum of money as may be necessary to provide for the cost of the said widening of Little Sussex Street from Rideau Street to Besserer Street in the said city and the payment of all consequential and other damages in connection therewith.

Assent of
electors not
required.

8. Any by-laws which it may be necessary to pass under the two immediately preceding sections shall not require to be submitted to or to have the assent of the electors of the said city before the final passing thereof.

SCHEDULE "A."

BY-LAW No. 2610.

A By-law to Establish a Board of Control for the City of Ottawa.

Whereas by an Act of the Province of Ontario, being Chapter 87 of the Statutes of Ontario, 1906, section 7, the Council of the Corporation of the City of Ottawa is empowered to provide by by-law for the providing of a Board of Control for the said City of Ottawa, upon certain conditions contained therein;

And whereas a majority of the electors qualified to vote at municipal elections in the said municipality held on the 7th day of January, 1907, have voted in the affirmative on the question submitted to them for the above purpose as provided by said Act, and all other conditions contained in said Act have been complied with;

Therefore the Municipal Council of the Corporation of the City of Ottawa enacts as follows:—

1. That from and after the municipal elections next ensuing in the City of Ottawa after the passing of this by-law, the Council of the Corporation of the City of Ottawa shall consist of four controllers to be elected from the city at large in addition to the

mayor and aldermen, and that the controllers so elected together with the mayor shall be the Board of Control for the City of Ottawa.

2. The election of the said controllers shall be governed by subsections (2), (3), (4), (5) and (6) of section 276b of *The Consolidated Municipal Act, 1903*, as amended by sections 12, 13 and 14 of *The Municipal Amendment Act, 1905*.

3. Each of the said controllers other than the mayor, shall be paid a salary not exceeding \$400 per annum.

Given under the corporate seal of the City of Ottawa, this 21st day of January, A. D. 1907.

Certified.

(Signed) D'ARCY SCOTT,
Mayor.

(Signed) JOHN HENDERSON,
City Clerk.

SCHEDULE "B."

BY-LAW No. 2612.

A By-law for the Reduction of the Number of Aldermen in the City of Ottawa, to two in each Ward.

Whereas by an Act of the Province of Ontario, being Chapter 87 of the Statutes of Ontario, 1906, section 7, the Council of the Corporation of the City of Ottawa is empowered to provide by a by-law for the establishment of a Board of Control for said municipality, with the consent of the majority of the electors duly qualified to vote at municipal elections voting therefor as well as to reduce the number of aldermen in said municipality to two for each ward;

And whereas a majority of the said electors qualified to vote at the elections held on the 7th day of January, A. D. 1907, did vote in the affirmative on the question submitted to them for the purposes aforesaid;

Therefore the Municipal Council of the Corporation of the City of Ottawa enacts as follows:—

1. At the municipal elections next ensuing after the final passing of this by-law the aldermen to be elected to the municipal council shall consist of two aldermen for each ward to be elected as heretofore as provided by *The Municipal Act, 1903*, and amendments thereto.

Given under the corporate seal of the said City of Ottawa, this 4th day of February, A. D. 1907.

Certified.

(Signed) D'ARCY SCOTT,
Mayor.

(Signed) JOHN HENDERSON,
City Clerk.

No. 193.

3rd Session, 11th Legislature,
7 Edward VII., 1907.

BILL.

An Act respecting the City of Ottawa.

First Reading, March, 1907.

(*Private Bill.*)

Mr. MAY.

TORONTO:

PRINTED BY L. K. CAMERON,

Printer to the King's Most Excellent Majesty.

No. 193.

BILL.

1907.

An Act to confirm certain by-laws of the City of Ottawa, and for other purposes.

WHEREAS the Corporation of the City of Ottawa has by petition represented that By-laws Nos. 2610 and 2612 set out as schedules "A" and "B" hereto were finally passed by the council in accordance with section 7 of the Act passed in the 6th year of the reign of His Majesty, Chaptered 87, and that it is desirable that all doubt as to the validity of the said by-laws should be removed and has prayed that such by-laws may be validated and confirmed; and whereas it is desirable that the said corporation should be authorized to purchase and erect an asphalt paving plant and to enlarge the City Hall; and whereas the said corporation has further represented that the *Canada Atlantic Railway Company* has applied to the said corporation for aid and assistance towards the erection of a central union passenger station and a hotel in the said city and that the said corporation has prayed that it may be authorized to grant a fixed assessment of \$150,000 for twenty years upon the said central union passenger station to be constructed at a cost of not less than \$250,000, and a fixed assessment of \$500,000 for fifteen years upon a hotel to be constructed by the said railway company, or the *Ottawa Terminals Railway Company* in the said city at a cost of not less than \$1,000,000; and whereas the said corporation has prayed that an Act may be passed for the said purposes and for other purposes hereinafter set out; and whereas it is expedient to grant the prayers of the said petition;

Preamble.

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. By-law Number 2610 of the Corporation of the City of Ottawa, intituled "A By-law to establish a Board of Control for the City of Ottawa," which by-law is set out in Schedule "A" to this Act, and By-law Number 2612 of

By-laws No. 2610 and 2612 of city of Ottawa.

the said corporation, intituled "A By-law for the reduction of the number of Aldermen in the City of Ottawa to two in each Ward," which by-law is set out in Schedule "B" to this Act, are validated and confirmed.

Authority to borrow \$16,000 for purchase of asphalt paving plant.

2. The said corporation may ~~or~~ without submitting the same for the approval of the ratepayers, pass a by-law to ~~or~~ borrow upon a special issue of debentures bearing interest at such rate as the council of the said corporation may determine payable in twenty years from the date thereof a sum not exceeding \$16,000 for the purpose of purchasing and erecting an asphalt paving plant.

Authority to borrow \$40,000 for enlarging City Hall.

3. The said corporation may ~~or~~ with the assent of the ratepayers qualified to vote on money by-laws ~~or~~ borrow upon a special issue of debentures bearing interest at such rate as the council of the said corporation may determine and payable in thirty years from the date thereof a sum not exceeding \$100,000 for the purpose of enlarging the city hall in the said city.

Power to grant fixed assessment of \$150,000 on passenger station for 20 years, and \$500,000 on hotel.

4. The said corporation may enter into an agreement with the ~~or~~ Canada Atlantic Railway Company or the Ottawa Terminals Railway Company ~~or~~ to grant a fixed assessment of \$150,000 for a period of twenty years on a central union passenger station to be constructed according to plans *to be approved by the Governor in Council and the council of the said corporation* at a cost of not less than \$250,000 and the land used in connection therewith for passenger purposes, and to stop up and convey to the said *Canada Atlantic Railway Company or the Ottawa Terminals Railway Company* the street ends indicated on plans *heretofore submitted to the said council*, and to widen Little Sussex Street from Rideau Street to Besserer Street in the said city to a width of about one hundred feet at the cost of the said corporation, provided that provision be made for a railway entrance to the said station from the north, *forming* a connection with the Alexandra Bridge over the Ottawa River, and provided that the work be commenced on the said station ~~or~~ within six months after the plans thereof shall have been approved of by the Governor in Council and the council of the said corporation, ~~or~~ and diligently prosecuted to completion, the act of God and strikes alone excepted, upon and subject, however, to the condition that the said ~~or~~ Canada Atlantic Railway Company or the said Ottawa Terminals Railway Company ~~or~~ shall agree to also construct an hotel in the said city at a cost of not less than \$1,000,000, *the said corporation* also to grant a fixed assessment of \$500,000 for a period of fifteen years upon an hotel to be constructed by *either of the said railway companies* in the said city at a cost of not less than \$1,000,000, provided that the construction of

the said hotel be commenced ~~in~~ within six months from the official announcement by the Government of Canada of its intention to have the warehouses removed from the reserve on the west side of the Rideau Canal between Laurier Avenue West and Sparks Street, ~~and~~ thereafter diligently prosecuted to completion, the Act of God and strikes alone excepted, upon and subject to the condition, however, that the said *Canada Atlantic Railway Company or the Ottawa Terminals Railway Company* shall agree to construct a central union passenger station as hereinbefore mentioned within the time, in the manner, according to the *said* plans, and subject to the said conditions. ~~Provided~~ That should the said hotel not be commenced and completed according to the provisions of this Act the city shall be entitled to claim and recover from the *Canada Atlantic Railway Company or the Ottawa Terminals Railway Company* the difference between the amount of taxes paid under this Act in respect of the said station and the amount of taxes which but for this Act would have been payable in respect thereof under the provisions of *The Assessment Act*, but the city shall have no further claim against either of the said companies by reason of such default. ~~and~~

5. The said corporation may borrow upon a special issue of debentures bearing interest at such rate as the council of the said corporation may determine and payable in thirty years from the date thereof such sum of money as may be necessary to provide for the cost of the said widening of Little Sussex Street from Rideau Street to Besserer Street in the said city and the payment of all consequential and other damages in connection therewith.

Power to borrow cost of widening Little Sussex Street.

6. Any by-laws *for the purposes of* the two immediately preceding sections ~~may~~ be finally passed with the assent of three-quarters of the members of the said council present and voting, and without submitting the same for the approval of the ratepayers. ~~and~~

Assent of electors not required.

SCHEDULE "A."

BY-LAW No. 2610.

A By-law to Establish a Board of Control for the City of Ottawa.

Whereas by an Act of the Province of Ontario, being Chapter 87 of the Statutes of Ontario, 1906, section 7, the Council of the Corporation of the City of Ottawa is empowered to provide by by-law for the providing of a Board of Control for the said City of Ottawa, upon certain conditions contained therein;

And whereas a majority of the electors qualified to vote at municipal elections in the said municipality held on the 7th day of January, 1907, have voted in the affirmative on the question

submitted to them for the above purpose as provided by said Act, and all other conditions contained in said Act have been complied with;

Therefore the Municipal Council of the Corporation of the City of Ottawa enacts as follows:—

1. That from and after the municipal elections next ensuing in the City of Ottawa after the passing of this by-law, the Council of the Corporation of the City of Ottawa shall consist of four controllers to be elected from the city at large in addition to the mayor and aldermen, and that the controllers so elected together with the mayor shall be the Board of Control for the City of Ottawa.

2. The election of the said controllers shall be governed by subsections (2), (3), (4), (5) and (6) of section 276b of *The Consolidated Municipal Act, 1903*, as amended by sections 12, 13 and 14 of *The Municipal Amendment Act, 1905*.

3. Each of the said controllers other than the mayor, shall be paid a salary not exceeding \$400 per annum.

Given under the corporate seal of the City of Ottawa, this 21st day of January, A. D. 1907.

Certified.

(Signed) D'ARCY SCOTT,
Mayor.

(Signed) JOHN HENDERSON,
City Clerk.

SCHEDULE "B."

BY-LAW No. 2612.

A By-law for the Reduction of the Number of Aldermen in the City of Ottawa, to two in each Ward.

Whereas by an Act of the Province of Ontario, being Chapter 87 of the Statutes of Ontario, 1906, section 7, the Council of the Corporation of the City of Ottawa is empowered to provide by a by-law for the establishment of a Board of Control for said municipality, with the consent of the majority of the electors duly qualified to vote at municipal elections voting therefor as well as to reduce the number of aldermen in said municipality to two for each ward;

And whereas a majority of the said electors qualified to vote at the elections held on the 7th day of January, A. D. 1907, did vote in the affirmative on the question submitted to them for the purposes aforesaid;

Therefore the Municipal Council of the Corporation of the City of Ottawa enacts as follows:—

1. At the municipal elections next ensuing after the final passing of this by-law the aldermen to be elected to the municipal council shall consist of two aldermen for each ward to be elected as heretofore as provided by *The Municipal Act, 1903*, and amendments thereto.

Given under the corporate seal of the said City of Ottawa, this 4th day of February, A. D. 1907.

Certified.

(Signed) D'ARCY SCOTT,
Mayor.

(Signed) JOHN HENDERSON,
City Clerk.

No 198.

3rd Session, 11th Legislature,
7 Edward VII., 1907.

BILL.

An Act to confirm certain By-laws of the
City of Ottawa, and for other purposes.

First Reading, 13th March, 1907.

*(Reprinted as amended by the Railway
Committee.)*

Mr. MAY.

TORONTO:

PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

An Act representing the Title and Trust Company.

WHEREAS the Title and Trust Company has by petition represented that the said Company was incorporated by an Act of Parliament of Canada, being Chapter 162 of the Acts passed in the year 1905 with power to carry on business throughout the Dominion of Canada as a title insurance and trust company; and whereas it appears that by the said Act of incorporation the provisions of *The Insurance Act*, being Chapter 124 of The Revised Statutes of Canada, are made to apply to the company with respect to its business of title insurance; and whereas by section 19 of the said Act the company was required to make an initial deposit with the Receiver-General of \$50,000 for a license to carry on the said business of title insurance; the said deposit to be increased to \$75,000 within two years from the date of the issue of such license and to be further increased as the Treasury Board may from time to time require; and whereas by section 10 of the said Act of incorporation the said company was further authorized in connection with and as ancillary to its business of title insurance to carry on business and exercise the powers of a trust company as set out in the said section; and whereas the said company has prayed that authority may be given for registration of the company under *The Ontario Insurance Act* in order that it may carry on the business of title insurance in the Province of Ontario and also under *The Loan Corporations Act* in order that it may carry on business in Ontario as a trust company; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Notwithstanding anything contained in *The Ontario Insurance Act* the Title and Trust Company shall be entitled to be registered under the said Act and to receive a

Company
authorized to
carry on title
insurance busi-
ness in Ontario.

license to carry on the business of title insurance in the Province of Ontario upon paying the proper fees in that behalf and upon making such deposit as the Lieutenant-Governor in Council may require.

Increase of
deposit.

2. The said deposit shall be increased from time to time as the Lieutenant-Governor in Council may by Order-in-Council require. 5

Powers of
company as a
trust company.

3. Notwithstanding anything in *The Loan Corporations Act* or any other Act of the Province of Ontario contained the Title and Trust Company upon paying the proper fees in that behalf and upon furnishing such security as may be prescribed by the Lieutenant-Governor in Council shall be entitled to be entered on The Trust Companies' Register under *The Loan Corporations Act* and may be authorized by the Lieutenant-Governor in Council to exercise within the Province of Ontario the powers conferred by the said Act of incorporation, which Act is set out in the schedule hereto and the powers set out in the schedule to *The Ontario Trust Companies Act*, but save where inconsistent with the said Act of incorporation or with this Act the provisions of *The Ontario Trust Companies Act* shall apply to the said company as if the same had been incorporated under *The Ontario Companies Act*. 10 15 20

Rev. Stat. c.
205.

Rev. Stat. c.
20.

Company not
to issue bonds,
etc.

4. The said company shall not issue bonds, debentures or negotiable securities. 25

SCHEDULE "A."

AN ACT TO INCORPORATE THE TITLE AND TRUST COMPANY.

Whereas a petition has been presented praying that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition; Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. Thomas Jenkins, James Hardy, William James Clark, Samuel John Frame and Arthur James Hardy, all of the City of Toronto, together with such persons as become shareholders in the company, are incorporated under the name of "The Title and Trust Company," hereinafter called "The Company."

2. The persons named in section 1 of this Act shall be the provisional directors of the company, a majority of whom shall be a quorum.

3. The capital stock of the company shall be one million dollars, divided into shares of one hundred dollars each.

4. The head office of the company shall be in the City of Toronto, but the directors may establish branch offices and local directorates at such other places as they determine.

5. The business of the company shall be managed by a board of not less than five nor more than twenty directors, of whom a majority shall be a quorum.

(2) No shareholder shall be eligible for election as a director unless he holds in his own right at least twenty shares upon which all calls have been paid; and if any director makes any assignment for the benefit of creditors or comes within the operation of any insolvent law then in force, or ceases to hold twenty shares in his own right, he shall, *ipso facto*, cease to be a director.

6. So soon as one hundred thousand dollars of the capital stock has been subscribed, and twenty per cent. thereof has been paid in cash into some chartered bank in Canada, to be withdrawn only for the purposes of the company, the directors shall call a general meeting of the shareholders, for the purpose of passing by-laws and electing directors, to be held at such place and time, in the City of Toronto, as the directors appoint, of which meeting not less than one week's notice shall be given by advertisement in one newspaper published in the City of Toronto, and by circular addressed and registered to each shareholder at his last known address.

7. Calls on stock may be made by the directors at such times and in such proportions as they deem proper.

(2) No one call shall exceed ten per centum nor shall any call be made at a less interval than one month from the next preceding call.

8. The company shall not commence business until two hundred and fifty thousand dollars of the capital stock has been subscribed and seventy-five thousand dollars paid thereon and a further sum of twenty-five thousand dollars shall be paid in within one year after such commencement of business.

9. The company may guarantee the title to, or the quiet enjoyment of property, either absolutely or subject to qualifications and conditions, and may guarantee any person interested in or about to become interested in, or owning, or about to purchase or acquire any real property, against any losses, actions, proceedings, claims or demands by reason of any insufficiency or imperfections or deficiency of title or in respect of encumbrances, burdens or outstanding rights, and may guarantee the due payment of the whole or part of any loan, advance, mortgage or claim, hypothecary or otherwise, or the interest thereon, and may issue its guarantee certificates or policies in such form as it determines and for such remuneration as it fixes.

(2) The business described in subsection 1 of this section is hereinafter called and may be known as "title insurance."

10. The company, in connection with and as ancillary to its business of title insurance, may also:—

(a) Examine, report upon and audit the books, accounts, conditions and standing of corporations, partnerships and individuals when requested or authorized so to do by such corporations, partnerships and individuals, and also when required by an order of a court of competent jurisdiction;

(b) Receive money in trust for the purposes herein specified, and invest and accumulate it at such rates of interest as may be obtained therefor;

(c) Accept and execute all such trusts of every descriptions as are entrusted to it by any government or person, or which are committed or transferred to it by any order, judgment or decree of any court, and may execute the office of executor, administrator, trustee, accountant, arbitrator, adjuster, auditor, receiver, assignee, liquidator, sequestrator, guardian, curator, or committee of a lunatic, and perform the duties of such officers or trusts as fully and completely as any person appointed to such office could do; and in all cases where application is made to any court, judge, officer or person having authority to make an appointment to any such office or trust, such court, judge, officer or person may appoint the company, with its consent, to hold such office or trust, and may substitute, if necessary, for any obligations required from a private person appointed to such offices such usual obligations as are applicable to corporations, and may fix the remuneration of the com-

pany; take, hold and accept by grant, assignment, transfer, deed, will, devise, bequest or otherwise, any real or personal estate upon any lawful trusts, and perform and execute them according to the terms and for the purposes declared, established or agreed upon; accept from and execute trusts for married women in respect of their separate property, real and personal, and act as agent for them in the management of such separate property; guarantee repayment of the principal or payment of the interest, or both, of any moneys entrusted to the company for investment, on such terms and conditions as are agreed upon; act as agent for countersigning, registering or otherwise ascertaining and certifying to the genuineness of any issue of stock, bonds, debentures or other securities for money of any government or person duly authorized to issue and make the same, and hold the same as agent or trustee; and may guarantee the payment thereof, both of principal and interest, and may act generally as fiscal or other agent for any such government or person;

(d) Act as agent or attorney for winding up estates, receiving or collecting any principal, debts, debentures or other securities or evidence of debt or demands of any nature, and in the sale or purchase of any real or personal property, and generally act in all matters in the nature of a trust or general agency;

(e) Be the custodian, on such terms as are agreed upon, of any jewellery, plate and other valuable property, and of deeds, wills, debentures, and other evidences of title or indebtedness, and for that purpose establish and operate safe deposit vaults;

(f) Act as investing and managing agent of estates and properties for and on behalf of executors, administrators and trustees, or other persons.

11. The company shall invest trust moneys as follows, and may manage, sell or dispose of such investments as the terms of the trust require:—

(a) Upon first mortgages of improved freehold property in Canada, and may accept personal property as covenants by way of collateral security thereto;

(b) In the stock, funds or government securities of Canada, or of any province of Canada, or of the United States, or guaranteed thereby respectively, or in bonds or debentures of any municipal corporation in any such province (other than municipal corporations having a population of less than two thousand or an annual rate of assessment exceeding two cents, on the dollar exclusive of school tax), or in the bonds and debentures of any school district in any such province, or in the public, stock, funds, or government securities of the United Kingdom, or any of the colonies or dependencies thereof;

(c) In such securities as are specified by the terms of the trust.

2. Nothing in this section shall prevent the company from holding securities of any other kind which form or are part of any trust estate which comes into its hands, and it may hold such securities subject to the trusts and legal obligations attached thereto, but in case of the realization of any portion thereof the proceeds shall be invested as herein directed unless the will, deed, order or instrument creating the trust has provided otherwise.

12. The moneys and securities of any such trust shall always be kept distinct from those of the company, and in separate accounts, and so marked for each particular trust as always to be distinguished from any other in the registers and other books of account to be kept by the company, so that at no time shall trust moneys form part of or be mixed with the general assets of the company; and the company shall, in the receipt of rents and in the overseeing and management of trusts and other property, keep distinct records and accounts of all operations connected therewith; provided that in the management of the money and property held by the company as trustee, or in any other official capacity, under the powers conferred by this Act, the Company may, unless the

authority making the appointment otherwise directs, invest the trust money in the manner provided by section 11 of this Act in a general trust fund of the company; provided, however, that the total amount of money of any one trust invested in the said general trust fund shall not, at any time exceed three thousand dollars.

13. Moneys, properties and securities received or held by the company upon trust or as agent shall not be liable for the debts or obligations of the company.

14. In case of the appointment of the company to any trust or office or by any court in Canada, or any judge, officer or person having lawful authority in that behalf, such court, judge, officer or person may, from time to time, require the company to render an account of its administration of the particular trust or office to which it has been appointed, and may from time to time appoint a suitable person to investigate the affairs and management of the company, and as to the security afforded to those by or for whom its engagements are held, and such persons shall report thereon to such court, judge, officer or person, and the expenses of such investigation shall be borne as ordered by such court, judge, officer or person.

15. The company may hold such real estate as is necessary for the transaction of its business, not exceeding the net yearly value of five thousand dollars, and any further real estate of whatever value which, being mortgaged or hypothecated to it, is acquired by it for the protection of its investments, and may, from time to time, sell, mortgage, lease or otherwise dispose thereof; but the company shall sell any real estate acquired in satisfaction of any debt due to itself other than as trustee or in an official capacity, within seven years after such acquisition, unless such time shall be extended by order of the Governor in Council, otherwise such real estate shall revert to His Majesty for the use of Canada.

16. The company may invest any moneys forming part of its own capital, or reserve as accumulated profit thereon, in any of the securities mentioned in section 11 of this Act, or in the bonds or debentures of any incorporated building society or loan company which would be accepted by the treasury board as deposits from insurance companies under *The Insurance Act*, or on the security of real estate in Canada or of any interest in such real estate, or on the security of the debentures, bonds, stock and other securities of any chartered bank or company incorporated by or under the authority of the Parliament of Canada, or of the Legislature of any province of Canada, as the directors deem expedient.

17. Nothing in this Act shall be construed to authorize the company to issue any note payable to the bearer thereof, or any promissory note intended to be circulated as money or as the note of a bank, or to engage in the business of banking, or in the business of insurance except as provided in section 9 hereof.

18. The powers and authority hereby granted to the company shall be exercised in any province subject to the laws of such province in that behalf, and shall not have any force or effect in any province in any respect in which they are inconsistent with the laws of such province.

19. The provisions of *The Insurance Act* shall apply to the company with respect to its business of title insurance.

(2) The initial deposit with the Receiver General for a license for the said business shall be fifty thousand dollars, provided that within two years from the issue of such license the said deposit shall be increased to the sum of at least seventy-five thousand dollars; provided further that the treasury board may at any time and from time to time require such increases in the said deposit as may be deemed expedient.

(3) The said deposit shall be regarded as security for the payment of losses and expenses incurred in respect of the title insurance business of the company.

20. In addition to the statement required by virtue of subsection 1 of section 19 of this Act, the company shall prepare and annually transmit to the Minister of Finance a statement in duplicate, verified by the oath of the president or vice-president and of the manager or secretary, setting forth the capital stock of the company, the proportion thereof paid up, the assets and liabilities of the company other than such as appertain exclusively to its title insurance business, and the trust property held by it, and such other details as the said Minister requires, and such statement shall be made up to the thirty-first day of December in each year.

21. *The Companies Clauses Act*, except sections 7, 18 and 39 thereof, shall apply to the company.

22. The charter of the company shall be forfeited if the company does not go into actual operation within two years after the passing of this Act.

No. 194.

3rd Session, 11th Legislature,
7 Edward VII., 1907.

BILL.

An Act respecting the Title and Trust
Company.

First Reading, 13th March, 1907.

(*Private Bill.*)

Mr. DOWNEY.

TORONTO:

PRINTED BY L. K. CAMERON.

Printer to the King's Most Excellent Majesty.

An Act representing the Title and Trust Company.

WHEREAS the Title and Trust Company has by petition represented that the said Company was incorporated by an Act of Parliament of Canada, being Chapter 162 of the Acts passed in the year 1905 with power to carry on business throughout the Dominion of Canada as a title insurance and trust company; and whereas it appears that by the said Act of incorporation the provisions of *The Insurance Act*, being Chapter 124 of The Revised Statutes of Canada, are made to apply to the company with respect to its business of title insurance; and whereas by section 19 of the said Act the company was required to make an initial deposit with the Receiver-General of \$50,000 for a license to carry on the said business of title insurance; the said deposit to be increased to \$75,000 within two years from the date of the issue of such license and to be further increased as the Treasury Board may from time to time require; and whereas by section 10 of the said Act of incorporation the said company was further authorized in connection with and as ancillary to its business of title insurance to carry on business and exercise the powers of a trust company as set out in the said section; and whereas the said company has prayed that authority may be given for registration of the company under *The Ontario Insurance Act* in order that it may carry on the business of title insurance in the Province of Ontario and also under *The Loan Corporations Act* in order that it may carry on business in Ontario as a trust company; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Notwithstanding anything contained in *The Ontario Insurance Act* the Title and Trust Company shall be entitled to be registered under the said Act and to receive a

Company authorized to carry on title insurance business in Ontario.

license to carry on the business of title insurance in the Province of Ontario upon paying the proper fees in that behalf and upon making such deposit as the Lieutenant-Governor in Council may require and subject to such conditions as he may direct.

Increase of
deposit.

2. The said deposit shall be increased from time to time as the Lieutenant-Governor in Council may by Order in Council require and in case the increased amount of deposit is not made the Lieutenant-Governor in Council may cancel or suspend the said license.

Powers of
company as a
trust company.

Rev. Stat. c.
205.

Rev. Stat. c.
206.

3. Notwithstanding anything in *The Loan Corporations Act* or any other Act of the Province of Ontario contained the Title and Trust Company upon paying the proper fees in that behalf and upon furnishing such security as may be prescribed by the Lieutenant-Governor in Council shall be entitled to be entered on The Trust Companies' Register under *The Loan Corporations Act* and may be authorized by the Lieutenant-Governor in Council to exercise within the Province of Ontario the powers conferred by the said Act of incorporation, which Act is set out in the schedule hereto and the powers set out in the schedule to *The Ontario Trust Companies Act*, but save where inconsistent with the said Act of incorporation or with this Act the provisions of *The Ontario Trust Companies Act* shall apply to the said company as if the same had been incorporated under *The Ontario Companies Act*.

Company not
to issue bonds,
etc.

4. The said company shall not issue bonds, debentures or negotiable securities.

SCHEDULE "A."

AN ACT TO INCORPORATE THE TITLE AND TRUST COMPANY.

Whereas a petition has been presented praying that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition; Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. Thomas Jenkins, James Hardy, William James Clark, Samuel John Frame and Arthur James Hardy, all of the City of Toronto, together with such persons as become shareholders in the company, are incorporated under the name of "The Title and Trust Company," hereinafter called "The Company."

2. The persons named in section 1 of this Act shall be the provisional directors of the company, a majority of whom shall be a quorum.

3. The capital stock of the company shall be one million dollars, divided into shares of one hundred dollars each.

4. The head office of the company shall be in the City of Toronto, but the directors may establish branch offices and local directorates at such other places as they determine.

5. The business of the company shall be managed by a board of not less than five nor more than twenty directors, of whom a majority shall be a quorum.

(2) No shareholder shall be eligible for election as a director unless he holds in his own right at least twenty shares upon which all calls have been paid; and if any director makes any assignment for the benefit of creditors or comes within the operation of any insolvent law then in force, or ceases to hold twenty shares in his own right, he shall, *ipso facto*, cease to be a director.

6. So soon as one hundred thousand dollars of the capital stock has been subscribed, and twenty per cent. thereof has been paid in cash into some chartered bank in Canada, to be withdrawn only for the purposes of the company, the directors shall call a general meeting of the shareholders, for the purpose of passing by-laws and electing directors, to be held at such place and time, in the City of Toronto, as the directors appoint, of which meeting not less than one week's notice shall be given by advertisement in one newspaper published in the City of Toronto, and by circular addressed and registered to each shareholder at his last known address.

7. Calls on stock may be made by the directors at such times and in such proportions as they deem proper.

(2) No one call shall exceed ten per centum nor shall any call be made at a less interval than one month from the next preceding call.

8. The company shall not commence business until two hundred and fifty thousand dollars of the capital stock has been subscribed and seventy-five thousand dollars paid thereon and a further sum of twenty-five thousand dollars shall be paid in within one year after such commencement of business.

9. The company may guarantee the title to, or the quiet enjoyment of property, either absolutely or subject to qualifications and conditions, and may guarantee any person interested in or about to become interested in, or owning, or about to purchase or acquire any real property, against any losses, actions, proceedings, claims or demands by reason of any insufficiency or imperfections or deficiency of title or in respect of encumbrances, burdens or outstanding rights, and may guarantee the due payment of the whole or part of any loan, advance, mortgage or claim, hypothecary or otherwise, or the interest thereon, and may issue its guarantee certificates or policies in such form as it determines and for such remuneration as it fixes.

(2) The business described in subsection 1 of this section is hereinafter called and may be known as "title insurance."

10. The company, in connection with and as ancillary to its business of title insurance, may also:—

(a) Examine, report upon and audit the books, accounts, conditions and standing of corporations, partnerships and individuals when requested or authorized so to do by such corporations, partnerships and individuals, and also when required by an order of a court of competent jurisdiction;

(b) Receive money in trust for the purposes herein specified, and invest and accumulate it at such rates of interest as may be obtained therefor;

(c) Accept and execute all such trusts of every descriptions as are entrusted to it by any government or person, or which are committed or transferred to it by any order, judgment or decree of any court, and may execute the office of executor, administrator, trustee, accountant, arbitrator, adjuster, auditor, receiver, assignee, liquidator, sequestrator, guardian, curator, or committee of a lunatic, and perform the duties of such officers or trusts as fully and completely as any person appointed to such office could do; and in all cases where application is made to any court, judge, officer or person having authority to make an appointment to any such office or trust, such court, judge, officer or person may appoint the company, with its consent, to hold such office or trust, and may substitute, if necessary, for any obligations required from a private person appointed to such offices such usual obligations as are applicable to corporations, and may fix the remuneration of the com-

pany; take, hold and accept by grant, assignment, transfer, deed, will, devise, bequest or otherwise, any real or personal estate upon any lawful trusts, and perform and execute them according to the terms and for the purposes declared, established or agreed upon; accept from and execute trusts for married women in respect of their separate property, real and personal, and act as agent for them in the management of such separate property; guarantee repayment of the principal or payment of the interest, or both, of any moneys entrusted to the company for investment, on such terms and conditions as are agreed upon; act as agent for counter-signing, registering or otherwise ascertaining and certifying to the genuineness of any issue of stock, bonds, debentures or other securities for money of any government or person duly authorized to issue and make the same, and hold the same as agent or trustee; and may guarantee the payment thereof, both of principal and interest, and may act generally as fiscal or other agent for any such government or person;

(d) Act as agent or attorney for winding up estates, receiving or collecting any principal, debts, debentures or other securities or evidence of debt or demands of any nature, and in the sale or purchase of any real or personal property, and generally act in all matters in the nature of a trust or general agency;

(e) Be the custodian, on such terms as are agreed upon, of any jewellery, plate and other valuable property, and of deeds, wills, debentures, and other evidences of title or indebtedness, and for that purpose establish and operate safe deposit vaults;

(f) Act as investing and managing agent of estates and properties for and on behalf of executors, administrators and trustees, or other persons.

11. The company shall invest trust moneys as follows, and may manage, sell or dispose of such investments as the terms of the trust require:—

(a) Upon first mortgages of improved freehold property in Canada, and may accept personal property as covenants by way of collateral security thereto;

(b) In the stock, funds or government securities of Canada, or of any province of Canada, or of the United States, or guaranteed thereby respectively, or in bonds or debentures of any municipal corporation in any such province (other than municipal corporations having a population of less than two thousand or an annual rate of assessment exceeding two cents on the dollar exclusive of school tax), or in the bonds and debentures of any school district in any such province, or in the public, stock, funds, or government securities of the United Kingdom, or any of the colonies or dependencies thereof;

(c) In such securities as are specified by the terms of the trust.

2. Nothing in this section shall prevent the company from holding securities of any other kind which form or are part of any trust estate which comes into its hands, and it may hold such securities subject to the trusts and legal obligations attached thereto, but in case of the realization of any portion thereof the proceeds shall be invested as herein directed unless the will, deed, order or instrument creating the trust has provided otherwise.

12. The moneys and securities of any such trust shall always be kept distinct from those of the company, and in separate accounts, and so marked for each particular trust as always to be distinguished from any other in the registers and other books of account to be kept by the company, so that at no time shall trust moneys form part of or be mixed with the general assets of the company; and the company shall, in the receipt of rents and in the overseeing and management of trusts and other property, keep distinct records and accounts of all operations connected therewith; provided that in the management of the money and property held by the company as trustee, or in any other official capacity, under the powers conferred by this Act, the Company may, unless the

authority making the appointment otherwise directs, invest the trust money in the manner provided by section 11 of this Act in a general trust fund of the company; provided, however, that the total amount of money of any one trust invested in the said general trust fund shall not, at any time exceed three thousand dollars.

13. Moneys, properties and securities received or held by the company upon trust or as agent shall not be liable for the debts or obligations of the company.

14. In case of the appointment of the company to any trust or office or by any court in Canada, or any judge, officer or person having lawful authority in that behalf, such court, judge, officer or person may, from time to time, require the company to render an account of its administration of the particular trust or office to which it has been appointed, and may from time to time appoint a suitable person to investigate the affairs and management of the company, and as to the security afforded to those by or for whom its engagements are held, and such persons shall report thereon to such court, judge, officer or person, and the expenses of such investigation shall be borne as ordered by such court, judge, officer or person.

15. The company may hold such real estate as is necessary for the transaction of its business, not exceeding the net yearly value of five thousand dollars, and any further real estate of whatever value which, being mortgaged or hypothecated to it, is acquired by it for the protection of its investments, and may, from time to time, sell, mortgage, lease or otherwise dispose thereof; but the company shall sell any real estate acquired in satisfaction of any debt due to itself other than as trustee or in an official capacity, within seven years after such acquisition, unless such time shall be extended by order of the Governor in Council, otherwise such real estate shall revert to His Majesty for the use of Canada.

16. The company may invest any moneys forming part of its own capital, or reserve or accumulated profit thereon, in any of the securities mentioned in section 11 of this Act, or in the bonds or debentures of any incorporated building society or loan company which would be accepted by the treasury board as deposits from insurance companies under *The Insurance Act*, or on the security of real estate in Canada or of any interest in such real estate, or on the security of the debentures, bonds, stock and other securities of any chartered bank or company incorporated by or under the authority of the Parliament of Canada, or of the Legislature of any province of Canada, as the directors deem expedient.

17. Nothing in this Act shall be construed to authorize the company to issue any note payable to the bearer thereof, or any promissory note intended to be circulated as money or as the note of a bank, or to engage in the business of banking, or in the business of insurance except as provided in section 9 hereof.

18. The powers and authority hereby granted to the company shall be exercised in any province subject to the laws of such province in that behalf, and shall not have any force or effect in any province in any respect in which they are inconsistent with the laws of such province.

19. The provisions of *The Insurance Act* shall apply to the company with respect to its business of title insurance.

(2) The initial deposit with the Receiver General for a license for the said business shall be fifty thousand dollars, provided that within two years from the issue of such license the said deposit shall be increased to the sum of at least seventy-five thousand dollars; provided further that the treasury board may at any time and from time to time require such increases in the said deposit as may be deemed expedient.

(3) The said deposit shall be regarded as security for the payment of losses and expenses incurred in respect of the title insurance business of the company.

20. In addition to the statement required by virtue of subsection 1 of section 19 of this Act, the company shall prepare and annually transmit to the Minister of Finance a statement in duplicate, verified by the oath of the president or vice-president and of the manager or secretary, setting forth the capital stock of the company, the proportion thereof paid up, the assets and liabilities of the company other than such as appertain exclusively to its title insurance business, and the trust property held by it, and such other details as the said Minister requires, and such statement shall be made up to the thirty-first day of December in each year.

21. *The Companies Clauses Act*, except sections 7, 18 and 39 thereof, shall apply to the company.

22. The charter of the company shall be forfeited if the company does not go into actual operation within two years after the passing of this Act.

No. 194.

3rd Session, 11th Legislature,
7 Edward VII., 1907.

BILL.

An Act repealing the Title and Trust
Company.

First Reading, 13th March, 1907.

*(Reprinted as amended by Private Bills
Committee.)*

MR. DOWNEY.

TORONTO:

PRINTED BY J. K. CAMERON.

Printer to the King's Most Excellent Majesty.

An Act to amend The Municipal Drainage Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The Municipal Drainage Act is amended by inserting
5 therein the following as section 78a—

Rev. Stat.,
c. 225,
amended.

78a. The council of any municipality may by By-law direct
that the Inspector appointed under section 78 shall from time
to time remove from any drainage work all weeds and brush-
wood, fallen timber or other minor obstructions for which the
10 owner of the lands adjacent the drainage work may not be
responsible and the cost of such work shall be chargeable from
time to time against the lands assessed for the maintenance of
the drainage work and in the proportion fixed by the By-law
authorizing the drainage work, but it shall not be necessary
15 to assess and levy the amount so charged more than once in
every five years after the passing of such first mentioned By-
law, unless in the meantime the total expense incurred shall
exceed the sum of \$100.

3rd Session, 11th Legislature,
7 Edward VII., 1907.

BILL.

An Act to amend The Municipal Drain-
age Act.

First Reading, 12th March, 1907.

Mr. SUTHERLAND.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

An Act respecting the Town of Thessalon and the
Saginaw Lumber and Salt Company.

WHEREAS the Municipal Council of the Town of Preamble.
Thessalon has petitioned praying that an Act may
be passed to ratify, confirm and legalize a proposed by-law
of the said corporation entitled "A By-law to authorize
5 the Council of the Corporation of the Town of Thessalon to
raise the sum of \$10,500 by way of bonus for the purpose of
aiding the Saginaw Lumber and Salt Company in the es-
tablishment of a saw mill at Thessalon, in the District of
Algoma, and for exemption of said company from municipi-
10 pal taxation, except school tax, for the period of ten years;
and whereas the said council has represented that the estab-
lishment of said industry in the municipality will greatly
benefit the citizens of the said town and give employment
to a large number of hands to the number of about 150,
15 and cause an increase in population and consequently a
great increase in assessable property, and will have the
effect of giving the municipality increased railway facili-
ties for which said municipality is very desirous, by hav-
ing a spur line run into the town instead of going three
20 miles to the present railway depot; and whereas said pro-
posed by-law will be submitted to the vote of the ratepay-
ers on Monday, the 18th day of March, 1907, and your
petitioners believe that the ratepayers will sanction said
by-law by the necessary majority; and whereas the Sagi-
25 naw Lumber and Salt Company are willing to enter into an
agreement binding them to erect said mill for the employ-
ment of at least 150 hands and to operate said mill to the
satisfaction of your petitioners and also agree to give your
petitioners wood at greatly reduced prices to run the power
30 house, as soon as the Corporation of the Town of Thessalon
is vested with the necessary authority to enter into said
agreement with said company; and whereas by subsection
12d of an Act passed in the 3rd year of His Majesty's
reign, Chaptered 19, section 591, it is enacted that
35 no industry shall be aided where one of a like nature

is already established in such municipality without the consent in writing of the owner or owners of such industry already established; and whereas there are two industries of a similar kind already established within the municipality, namely, the Thessalon Lumber Company and 5 George L. Burtis' mill; and whereas the Thessalon Lumber Company are erecting a new mill outside of the municipality and the Council of the Corporation of the Town of Thessalon believe that said Thessalon Lumber Company do not propose to operate their present mill within the municipal- 10 ity any longer, except in conjunction with their new mill, and only as an adjunct for short periods; and whereas the corporation of the Town of Thessalon cannot obtain the written consent of the Thessalon Lumber Company or George L. Burtis to said proposed by-law; and whereas it 15 is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

By-law No. 63
of Town of
Thessalon con-
firmed.

1. Proposed By-law No. 63 of the Municipal Corporation 20 of the Town of Thessalon set forth in Schedule "A" to this Act is hereby confirmed and declared legal and binding upon the said municipal corporation and the ratepayers thereof in the event of the said ratepayers sanctioning said proposed by-law on the 18th day of March, 1907, by the 25 necessary majority notwithstanding any want of jurisdiction on the part of the said municipality to pass the by-law, and notwithstanding the provisions of any previous Act dealing with this matter and notwithstanding any defect in substance or in form of the said by-law or in the 30 manner of passing the same. And the said Municipal Corporation of the Town of Thessalon is hereby empowered to do all necessary acts for the full and proper carrying out of the by-law, if sanctioned by the ratepayers as aforesaid.

SCHEDULE "A."

BY-LAW No. 63, TOWN OF THESSALON.

By-law authorizing the Municipal Corporation of the Town of Thessalon to issue debentures to raise the sum of ten thousand five hundred dollars by way of bonus for the purpose of aiding the Saginaw Lumber and Salt Company in the establishment of a saw mill at the Town of Thessalon, in the District of Algoma, for manufacturing purposes, and for exemption of said company from municipal taxation, except School Tax, for the period of ten years.

Whereas the said Saginaw Lumber and Salt Company has agreed to erect and operate a large saw mill in the Town of Thessalon for manufacturing purposes, which mill would employ a large number of hands for ten years.

And whereas the Municipal Corporation of the Town of Thessalon has determined to aid the said company in the erection of the said mill for manufacturing purposes at the Town of Thessalon, in the District of Algoma, by granting thereto a cash bonus of ten thousand five hundred dollars, and by exempting the lands to be acquired by them and their plant, saw mill and appurtenances from municipal taxation, except as to school tax, for a period of ten years.

And whereas, in order to raise said sum of ten thousand five hundred dollars, with interest at five per cent. per annum as hereinafter provided, it will be necessary for said council to issue debentures of the Corporation of the Town of Thessalon for the sum of sixteen thousand eight hundred and fifty-one dollars, the said council has decided to make the principal money and interest of the debt thereby created repayable in twenty equal annual instalments;

And whereas, for the purpose aforesaid, it will be necessary to raise annually during the said term of twenty years, by special rate for paying the said debt, the sum of eight hundred and forty-two dollars and fifty-five cents;

And whereas it will be requisite to raise the several sum in each year, respectively set forth in the schedule to this by-law;

And whereas the whole rateable property in the said Town of Thessalon, according to the last revised assessment roll, is three hundred and fourteen thousand eight hundred and twenty-two dollars;

And whereas the amount of the existing debenture debt of the Municipality of the Town of Thessalon is twenty-eight thousand one hundred and forty-two dollars and sixty-two cents, whereof no sum of principal or interest is in arrears;

Therefore the Council of the Municipal Corporation of the Town of Thessalon enacts as follows:—

1. That the said Saginaw Lumber and Salt Company shall be exempt from municipal taxation for the term of ten years on the mill and docks which they propose to erect in the said Town of Thessalon and the lands connected therewith.

2. That the said Saginaw Lumber and Salt Company shall be further exempt from municipal taxation, except as to school tax, on all their stock manufactured in the said mill during the said period of exemption.

3. That the Mayor and Treasurer of the said Town of Thessalon be and are hereby authorized and required for the purpose aforesaid to borrow the sum of ten thousand five hundred dollars, bearing interest at five per cent. per annum, and to issue debentures of the said corporation to raise that amount, with interest at five per cent. per annum in sums of not less than one hundred dollars each, payable to the amount of eight hundred and forty-two dollars and fifty-five cents in each year, with coupons attached thereto, each of which debentures shall be dated on the day of the issue thereof and shall be payable within twenty years thereafter at the office of the Treasurer of the said Town of Thessalon.

4. Each of the said debentures shall be signed by the Mayor of the said Town of Thessalon or by some other person authorized by by-law to sign same, and by the Treasurer of the said Town of Thessalon, and the clerk shall attach thereto the corporate seal of the municipal corporation.

The said debenture debt shall be calculated to bear interest at the rate of five per cent. per annum, payable in equal yearly payments at the office of the Treasurer of the said Town of Thessalon, in each and every year during the currency thereof.

During the currency of the said debentures there shall be raised annually by special rate on all of the rateable property in the said

Town of Thessalon the sum of eight hundred and forty-two dollars and fifty-five cents for the purpose of paying the amount due in each of the said twenty years for principal and interest in respect of the said debt, as shown in the schedule hereto annexed.

The vote of the ratepayers of the said Town of Thessalon shall be taken on this by-law on Monday, the 18th day of March, 1907, between the hours of nine o'clock in the forenoon and five o'clock in the afternoon of the same day, at the town hall in the said Town of Thessalon, and that the Clerk of the said Town of Thessalon is hereby appointed returning officer for the said Town of Thessalon.

That on the 11th day of March, 1907, the mayor shall attend at the town hall in the said Town of Thessalon at 10 o'clock in the forenoon to appoint persons to attend at the polling place and at the final summing up of the votes by the clerk on behalf of the persons respectively interested in promoting or opposing the passing of this by-law.

That the clerk of the council of the corporation shall attend at the town hall in the Town of Thessalon at 9 o'clock on the 19th day of March, 1907, and sum up the number of votes given for and against this by-law, and if there is a majority therefor he shall issue his certificate in pursuance of the provisions of *The Municipal Act*.

Read a first and second time and dated at the town hall in the Town of Thessalon this 18th day of February, 1907.

SAMUEL HAGEN,
Mayor.

(Seal.)

BEN C. CASE,
Clerk.

This is the Schedule "A" referred to in the annexed By-law No. 63 of the Town of Thessalon, being a schedule showing the payments of principal and interest in each year during the twenty years mentioned in said by-law.

Schedule "A."

	Principal.	Interest.	Total.
1st instalment.....	\$317 55	\$525 00	\$842 55
2nd ".....	333 43	509 12	842 55
3rd ".....	350 10	492 45	842 55
4th ".....	367 61	474 94	842 55
5th ".....	385 99	456 56	842 55
6th ".....	405 29	437 26	842 55
7th ".....	425 55	417 00	842 55
8th ".....	446 83	395 72	842 55
9th ".....	469 17	373 38	842 55
10th ".....	492 63	349 92	842 55
11th ".....	517 26	325 29	842 55
12th ".....	543 13	299 42	842 55
13th ".....	570 28	272 27	842 55
14th ".....	598 80	243 75	842 55
15th ".....	628 74	213 81	842 55
16th ".....	660 17	182 38	842 55
17th ".....	693 18	149 37	842 55
18th ".....	727 84	114 71	842 55
19th ".....	764 23	78 32	842 55
20th ".....	802 22	40 33	842 55
	\$10,500 00	\$6,351 00	\$16,851 00

SAMUEL HAGEN,
Mayor.
Clerk.

3rd Session, 11th Legislature,
7 Edward VII., 1907.

BILL.

An Act respecting the Town of Thessalon
and the Saginaw Lumber and Salt Com-
pany.

1st Reading,	1907.
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(*Private Bill.*)

Mr. SMYTH.

TORONTO:

PRINTED BY L. K. CAMERON,

Printer to the King's Most Excellent Majesty.

An Act respecting the Town of Thessalon and the
Saginaw Lumber and Salt Company.

WHEREAS the Municipal *Corporation* of the Town of Preamble
Thessalon has petitioned praying that an Act may
be passed to ratify, confirm and legalize by-law No. 63
of the said corporation intituled "A By-law to authorize
the Council of the Corporation of the Town of Thessalon to
raise the sum of \$10,500 by way of bonus for the purpose of
aiding the Saginaw Lumber and Salt Company in the es-
tablishment of a saw mill at Thessalon, in the District of
Algoma, and for exemption of *the property of said com-*
pany from municipal taxation, except school tax, for the
period of ten years;" and whereas the said *corporation* has
represented that the establishment of said industry in the
municipality will greatly benefit the citizens of the said
town and give employment to a large number of hands to
the number of about 150; and whereas *the said by-law was*
submitted to the vote of the ratepayers on Monday, the 18th
day of March, 1907, when 155 votes were cast in favor
of the said by-law and only 2 against; and whereas the
said by-law requires legislative confirmation because
there are two industries of a similar kind already estab-
lished in the said town, namely, the Thessalon Lumber
Company and George L. Burtis' mill; and whereas the
Thessalon Lumber Company is erecting a new mill outside
of the said town; and whereas, although the said corpora-
tion has been unable to obtain the consent of the Thessalon
Lumber Company or George L. Burtis to said proposed
by-law, the circumstances of the case appear to be ex-
ceptional; and whereas no opposition has been made to the
said petition; and whereas it is expedient to grant the
prayer of the said petition;

Therefore His Majesty, by and with the advice and con-
sent of the Legislative Assembly of the Province of On-
tario, enacts as follows:—

By-law No. 63
of Town of
Thessalon and
agreement con-
firmed.

1. By-law No. 63 of the Municipal Corporation of the Town of Thessalon set out in Schedule "A" and the agreement set out in Schedule "B" to this Act are hereby confirmed and declared legal, *valid* and binding, and the said Corporation is hereby empowered to do all necessary acts for the full and proper carrying out of the by-law and agreement.

SCHEDULE "A."

BY-LAW NO. 63, TOWN OF THESSALON.

By-law authorizing the Municipal Corporation of the Town of Thessalon to issue debentures to raise the sum of ten thousand five hundred dollars by way of bonus for the purpose of aiding the Saginaw Lumber and Salt Company in the establishment of a saw mill at the Town of Thessalon, in the District of Algoma, for manufacturing purposes, and for exemption of said company from municipal taxation, except School Tax, for the period of ten years.

Whereas the said Saginaw Lumber and Salt Company has agreed to erect and operate a large saw mill in the Town of Thessalon for manufacturing purposes, which mill would employ a large number of hands for ten years.

And whereas the Municipal Corporation of the Town of Thessalon has determined to aid the said company in the erection of the said mill for manufacturing purposes at the Town of Thessalon, in the District of Algoma, by granting thereto a cash bonus of ten thousand five hundred dollars, and by exempting the lands to be acquired by them and their plant, saw mill and appurtenances from municipal taxation, except as to school tax, for a period of ten years.

And whereas, in order to raise said sum of ten thousand five hundred dollars, with interest at five per cent. per annum as hereinafter provided, it will be necessary for said council to issue debentures of the Corporation of the Town of Thessalon for the sum of sixteen thousand eight hundred and fifty-one dollars, the said council has decided to make the principal money and interest of the debt thereby created repayable in twenty equal annual instalments;

And whereas, for the purpose aforesaid, it will be necessary to raise annually during the said term of twenty years, by special rate for paying the said debt, the sum of eight hundred and forty-two dollars and fifty-five cents;

And whereas it will be requisite to raise the several sum in each year, respectively set forth in the schedule to this by-law;

And whereas the whole rateable property in the said Town of Thessalon, according to the last revised assessment roll, is three hundred and fourteen thousand eight hundred and twenty-two dollars;

And whereas the amount of the existing debenture debt of the Municipality of the Town of Thessalon is twenty-eight thousand one hundred and forty-two dollars and sixty-two cents, whereof no sum of principal or interest is in arrears,

Therefore the Council of the Municipal Corporation of the Town of Thessalon enacts as follows:—

1. That the said Saginaw Lumber and Salt Company shall be exempt from municipal taxation for the term of ten years on the mill and docks which they propose to erect in the said Town of Thessalon and the lands connected therewith.

2. That the said Saginaw Lumber and Salt Company shall be further exempt from municipal taxation, except as to school tax, on all their stock manufactured in the said mill during the said period of exemption.

3. That the Mayor and Treasurer of the said Town of Thessalon be and are hereby authorized and required for the purpose aforesaid to borrow the sum of ten thousand five hundred dollars, bearing interest at five per cent. per annum, and to issue debentures of the said corporation to raise that amount, with interest at five per cent. per annum in sums of not less than one hundred dollars each, payable to the amount of eight hundred and forty-two dollars and fifty-five cents in each year, with coupons attached thereto, each of which debentures shall be dated on the day of the issue thereof and shall be payable within twenty years thereafter at the office of the Treasurer of the said Town of Thessalon.

4. Each of the said debentures shall be signed by the Mayor of the said Town of Thessalon or by some other person authorized by by-law to sign same, and by the Treasurer of the said Town of Thessalon, and the clerk shall attach thereto the corporate seal of the municipal corporation.

The said debenture debt shall be calculated to bear interest at the rate of five per cent. per annum, payable in equal yearly payments at the office of the Treasurer of the said Town of Thessalon, in each and every year during the currency thereof.

During the currency of the said debentures there shall be raised annually by special rate on all of the rateable property in the said Town of Thessalon the sum of eight hundred and forty-two dollars and fifty-five cents for the purpose of paying the amount due in each of the said twenty years for principal and interest in respect of the said debt, as shown in the schedule hereto annexed.

The vote of the ratepayers of the said Town of Thessalon shall be taken on this by-law on Monday, the 18th day of March, 1907, between the hours of nine o'clock in the forenoon and five o'clock in the afternoon of the same day, at the town hall in the said Town of Thessalon, and that the Clerk of the said Town of Thessalon is hereby appointed returning officer for the said Town of Thessalon.

That on the 11th day of March, 1907, the mayor shall attend at the town hall in the said Town of Thessalon at 10 o'clock in the forenoon to appoint persons to attend at the polling place and at the final summing up of the votes by the clerk on behalf of the persons respectively interested in promoting or opposing the passing of this by-law.

That the clerk of the council of the corporation shall attend at the town hall in the Town of Thessalon at 9 o'clock on the 19th day of March, 1907, and sum up the number of votes given for and against this by-law, and if there is a majority therefor he shall issue his certificate in pursuance of the provisions of *The Municipal Act*.

Read a first and second time and dated at the town hall in the Town of Thessalon this 18th day of February, 1907.

SAMUEL HAGEN,

Mayor.

BEN C. CASE,

Clerk.

(Seal.)

This is the Schedule "A" referred to in the annexed By-law No. 63 of the Town of Thessalon, being a schedule showing the payments of principal and interest in each year during the twenty years mentioned in said by-law.

Schedule "A."

	Principal.	Interest.	Total.
1st instalment.....	\$317 55	\$525 00	\$842 55
2nd ".....	333 43	509 12	842 55
3rd ".....	350 10	492 45	842 55
4th ".....	367 61	474 94	842 55
5th ".....	385 99	456 56	842 55
6th ".....	405 29	437 26	842 55
7th ".....	425 55	417 00	842 55
8th ".....	446 83	395 72	842 55
9th ".....	469 17	373 38	842 55
10th ".....	492 63	349 92	842 55
11th ".....	517 26	325 29	842 55
12th ".....	543 13	299 42	842 55
13th ".....	570 28	272 27	842 55
14th ".....	598 80	243 75	842 55
15th ".....	628 74	213 81	842 55
16th ".....	660 17	182 38	842 55
17th ".....	693 18	149 37	842 55
18th ".....	727 84	114 71	842 55
19th ".....	764 23	78 32	842 55
20th ".....	802 22	40 33	842 55
	\$10,500 00	\$6,351 00	\$16,851 00

SAMUEL HAGEN,

Mayor.
Clerk.

3rd Session, 11th Legislature,
7 Edward VII., 1907.

BILL.

An Act respecting the Town of Thessalon
and the Saginaw Lumber and Salt Com-
pany.

First Reading, 13th March, 1907.

*(Reprinted as amended by Private Bills
Committee.)*

MR. SMYTH.

TORONTO:

PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

An Act to amend The Liquor License Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Subsection 1 of section 78 of *The Liquor License Act* is repealed and the following substituted therefor:—

Rev. Stat.
c. 245, s. 78,
subs. 1,
repealed.

78.—(1) Any person who gives, sells or otherwise supplies liquor to any person apparently or to the knowledge of the person giving, selling or otherwise supplying the same under the age of twenty-one years shall incur a penalty of not less than \$10 and not exceeding \$50 besides costs or imprisonment for a period not exceeding three months, but nothing in this section contained shall apply to the supplying of liquor to a person under the age of twenty-one years by the parent, guardian or physician of such person.

Penalty for
supplying
liquor to
minors.

2. Subsection 1 of section 22 of the Act passed in the 6th year of His Majesty's reign, Chaptered 47, is amended by inserting after the figures "56" in the 2nd line of the said subsection the word and figures "or 78."

6 Edw. VII.,
c. 47, s. 22,
subs. 1,
amended.

3. Subsection 4 of section 28 of the said Act passed in the 6th year of His Majesty's reign is amended by adding at the end thereof the words following: "and no license under this section shall be granted to any society, association or club not incorporated under the laws of the Province of Ontario until the consent in writing of the Minister to the granting of such license has been filed with the Board."

6 Edw. VII.,
c. 47, s. 28,
subs. 4,
amended.
Licenses to
clubs.

No. 198.

3rd Session, 11th Legislature,
7 Edward VII., 1907.

BILL.

An Act to amend The Liquor License Act.

First Reading, 13th March, 1907

Mr. BOWYER.

TORONTO:

PRINTED BY L. K. CAMERON,

Printer to the King's Most Excellent Majesty.

An Act to amend The Surveys Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 3 of section 14 of *The Surveys Act* is hereby
5 by amended by adding at the end of such subsection the following words "and for the purpose of establishing such two nearest points or places the surveyor who makes the survey may, if necessary, survey farther than the points mentioned in the council's application." Rev. Stat. c. 181, s. 14, subs. 3 amended.
- 10 2. Subsection 5 of the said section 14 is hereby amending by inserting at the end of such subsection 5, the words following: "or the council may without a previous estimate levy on the said proprietors in the proportions aforesaid the amount of the expense when the same shall have
15 been incurred and ascertained and the certificate of the Minister of Lands, Forests and Mines certifying the amount of such expense shall be conclusive." Rev. Stat. c. 181, s. 14, subs. 5, amended.
3. The said section 14 is hereby further amended by adding thereto the following subsection 6 thereof:— Rev. Stat. c. 181, s. 14 amended.
- 20 (6) Where an application is made by a council upon its own motion, such council may if it deems the application to be in the public interest in assisting to determine the boundaries or limits of any public road or highway or the like pay out of the general funds of the township
25 either the whole of the said expense or such portion thereof as the council may deem proper and in the event of the council paying only part of the expense out of the general funds the council may order that the remainder of the expense may be levied on the said proprietors in the proportion and manner aforesaid. Payment of expenses by township.
- 30

No. 199.

3rd Session, 11th Legislature,
7 Edward VII., 1907.

BILL.

An Act to amend The Surveys Act.

First Reading, 14th March, 1907.

Mr. Foy.

TORONTO:

PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

An Act Respecting Colonization Roads.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Grants may be made of such sums as may be voted for Grants for
colonization
roads.
5 that purpose from time to time by the Legislature for the construction or repair or to aid in the construction or repair of such main or leading colonization roads as may be deemed necessary in any unsurveyed or unorganized portions of the Province, or in organized townships where roads are
10 required to give access through unoccupied or sparsely occupied districts, or through districts unfit for cultivation or settlement, and such other roads as the Legislature upon the recommendation of the Minister of Public Works deem necessary for the proper settlement and development of that
15 portion of Ontario referred to in section 2 of this Act.

2. The council of any municipality comprising one or Township
by-law design-
ating
highways.
more townships or a portion of a township or portions of one or more townships in any provisional judicial district or in the provisional county of Haliburton, and the council
20 of any township or union of townships in that portion of Ontario in which money is being expended in the building of colonization roads, may prepare and approve a by-law or by-laws designating any highway or highways in the municipality as highways to be improved under this Act,
25 stating the amount to be expended for each of such, but such by-law shall not be finally passed until the same has been submitted to the Minister of Public Works and approved of by him.

3. Upon the report and recommendation of the Minister Amount of
grant.
30 of Public Works approving of such by-law, the Lieutenant-Governor in Council may direct that any sum being not less than one-third and not more than two-thirds of the

estimated cost of the work may be paid to the municipality out of any appropriation made by the Legislative Assembly for that purpose.

Supervision
and inspection.

4. Any work undertaken under section 1 of this Act shall be carried out under the supervision of an inspector approved by the Minister of Public Works for that purpose, and shall conform to the prescribed regulations by the Public Works Department. 5

Payment of
Grant.

5. Upon the completion of any work of road improvement in pursuance of a by-law approved by the Lieutenant-Governor in Council under this Act or at any time during the progress of such work, the council of the municipality undertaking such work may submit to the Department of Public Works a statement setting forth the cost of such work to date, together with the declaration of the treasurer of such municipality that such statement is correct, and also the report of the inspector of the municipality that such work is in accordance with the regulations of the Public Works Department, and on receipt of such statement and certificate by the Provincial Treasurer, certified and approved by the proper officer of the Public Works Department, the Lieutenant-Governor in Council may direct the payment to such municipal corporation out of the funds appropriated for such purpose of a sum not less than one-third and not more than two-thirds of the amount of such cost. 15 20 25

Townships may
contribute
labor.

6. The proportion of the cost to be borne by any township or union of townships receiving aid under this Act may be paid in money, or may with the approval of the Minister of Public Works, be contributed in labor or partly in money and partly in labor, estimated at the rate of two dollars for a day of ten hours of faithful work, by each man employed, and four dollars a day of ten hours faithful work for a man and team, but all such work shall be done under the control and to the satisfaction of the Inspector in charge of the work and shall be certified by him. 30 35

Money to be
voted by the
Legislature.

7. The moneys required to meet any expenditure under this Act shall be paid by the Provincial Treasurer to the persons entitled thereto upon the recommendation of the Minister of Public Works out of such money as may be from time to time voted by the Legislature for that purpose. 40

Petitions not
later than
September 1st.

8. All petitions for work under this Act, the cost of which is to be paid in whole or in part by the Province and voted by the Legislature at its next session, must be submitted to the Department of Public Works, not later than the first day of October next preceding such session. 45

3rd Session, 11th Legislature,
7 Edward VII., 1907.

BILL.

An Act Respecting Colonization Roads.

First Reading, 14th March, 1907.

Mr. REAUME.

TORONTO:

PRINTED BY L. K. CAMERON,

Printer to the King's Most Excellent Majesty.

An Act to incorporate the Village of Neustadt.

WHEREAS certain ratepayers residing in the unincorporated Village of Neustadt, in the Township of Normanby, in the County of Grey, have by petition set forth that the unincorporated Village of Neustadt is situate on lots numbers one, two, three, and part of lot number four, in the fourteenth concession, and lots numbers one, two, three and parts of lots numbers four and five, in the thirteenth concession, all in the Township of Normanby, in the County of Grey, amounting in all to about seven hundred acres; that the said Village of Neustadt contains a population of about six hundred souls according to the last enumeration of the assessor; that the petitioners are desirous that the inhabitants of the said village shall be incorporated under the name of "The Corporation of the Village of Neustadt," with the powers vested in villages incorporated under the provisions of *The Consolidated Municipal Act, 1903*; that it is necessary and in the interests of the inhabitants of the said village that works and improvements should be constructed in the said village, which the inhabitants are not able to procure from the Township Council, and that the police village system is not adapted to the requirements of the community, and that it would greatly conduce to the benefit of the said village to be incorporated, and have prayed that an Act may be passed so incorporating the said village; and whereas no opposition has been offered to the granting of the prayer of the said petition, and it appears that the petitioners include almost the whole number of ratepayers in the said village; and whereas it is deemed expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. On and after the passing of this Act the inhabitants of the Village of Neustadt comprised within the boundaries of the second section of this Act mentioned, shall be and

they are hereby constituted a corporation or body politic, separate and apart from the Township of Normanby, in which the said village is now situate, under the name of "The Corporation of the Village of Neustadt," and shall enjoy all such rights, powers and privileges as are now or shall hereafter be conferred upon incorporated villages in the Province of Ontario.

Boundaries
of Village.

2. The said Village of Neustadt shall comprise and consist of the lands, within the following boundaries, that is to say: Lots numbers one, two, and three, and all that part of lot number four lying to the west of the right of way of the Stratford and Lake Erie Railway Company, all in the fourteenth concession of the Township of Normanby, in the County of Grey, and lots numbers one, two, and three in the thirteenth concession of the Township of Normanby, in the County of Grey, and all those portions of lots numbers four and five in the thirteenth concession of the Township of Normanby in the County of Grey more particularly described as follows:

Firstly. All that portion of the north half of said lot four, described as follows: Commencing at a point on the western limit of said lot four where the northern limit of Stephana street as shown on Winklers' registered plan of subdivision of lot three, and part of lot four in the thirteenth concession of said Township of Normanby would if produced intersect the said western limit of said lot four; thence easterly parallel with the southerly limit of said lot four a distance of 48 rods to a point; thence southerly parallel with the westerly limit of said lot four a distance of sixty-eight rods more or less to a point in the northern limit of the road or lane shown on said plan and separating the north and south halves of said lot four; thence westerly parallel with the northerly limit of said lot four a distance of 48 rods more or less to the western limit of said lot four, and thence northerly along the western limit of said lot four a distance of 68 rods more or less to the place of beginning.

Secondly. The south half of said lot number four and all that portion of the south half of lot number five lying to the south and west of the right of way of the Stratford and Lake Erie Railway Company, together with the road or lane running east and west and dividing the north and south halves of said lots four and five as shown on Winklers' registered plan of subdivision of part of said lots four and five.

First election.

3. On the day of, 1907, it shall be lawful for Frederick William Meyer, of the Township of Normanby, in the County of Grey, who is hereby appointed the returning officer, to hold the nomination for the first election of reeve and councillors at some prominent

place in the said village, at the hour of noon, and he shall preside at such nomination, or in case of his absence the electors present shall choose from among themselves a chairman to officiate, who shall have all the powers of a returning officer, and the polling for the said election in the event of there being a poll required, shall be held on the same day of the week, in the week next following the said nomination and at the same place, and the duties of the returning officer shall be those prescribed by law with respect to incorporated villages.

4. At the said election the qualification of the said electors and of the reeve and councillors for the said village shall be the same as that required in townships, and at all subsequent elections the qualification of electors and of the reeve, councillors and other officers, shall be the same as that required in incorporated villages.

Qualification at first election.

5. The Township Clerk of the Township of Normanby shall furnish to the returning officer, upon demand made by him for the same, a certified copy of so much of the last revised assessment roll of the said township as may be required to ascertain the person entitled to vote at such first election, or the collector's roll or any document, writing or statement that may be required for that purpose.

Township Clerk to furnish copy of assessment roll.

6. The reeve and councillors so to be elected shall hold their first meeting at some prominent place in the said Village of Neustadt, at the hour of noon on the same day of the week, in the week next following the polling, or if there be no polling, on the same day of the week in the week next following the nomination.

First meeting of council.

7. Save as otherwise provided by this Act, the provisions of *The Consolidated Municipal Act, 1903*, and of all other general Acts respecting municipal institutions, with regard to matters consequent upon the formation of new corporations and the other provisions of the said Acts applicable to incorporated villages shall apply to the Village of Neustadt, in the same manner as they would have been applicable had the said Village of Neustadt been incorporated under the provisions of said Act.

Application of 3 Edw. VII. c. 19.

8. From and after the passing of this Act the said Village of Neustadt shall cease to form a part of the Township of Normanby, and shall to all intents and purposes form a separate and independent municipality, with all the rights, privileges and jurisdiction of an incorporated village in Ontario.

Village to be separate from Township of Normanby.

Expenses of
incorporation
to be borne by
village.

9. The expense of obtaining this Act, and of furnishing any documents, copies of papers, writings, deeds or any matters whatsoever required by the Clerk of the said village or other officers of the said village, shall be borne by the said village and be paid by it to any party that may be entitled 5 thereto.

Represent-
tation.

10. The said Village of Neusadt shall form a part of the Electoral District of the South Riding of the County of Grey.

3rd Session, 11th Legislature,
7 Edward VII., 1907.

BILL.

An Act to incorporate the Village of
Neustadt.

First Reading, 25th March, 1907.

(*Private Bill.*)

Mr. JAMESON.

TORONTO:

PRINTED BY L. K. CAMERON,

Printer to the King's Most Excellent Majesty.

BILL.

An Act to incorporate the Village of Neustadt.

WHEREAS certain ratepayers residing in the unincorporated Village of Neustadt, in the Township of Normanby, in the County of Grey, have by petition set forth that the unincorporated Village of Neustadt is situated on lots numbers one, two, three, and part of lot number four, in the fourteenth concession, and lots numbers one, two, three and parts of lots numbers four and five, in the thirteenth concession, all in the Township of Normanby, in the County of Grey, amounting in all to about seven hundred acres; that the said Village of Neustadt contains a population of about six hundred souls according to the last enumeration of the assessor; that the petitioners are desirous that the inhabitants of the said village shall be incorporated under the name of "The Corporation of the Village of Neustadt," with the powers vested in villages incorporated under the provisions of *The Consolidated Municipal Act, 1903*; that it is necessary and in the interests of the inhabitants of the said village that works and improvements should be constructed in the said village, which the inhabitants are not able to procure from the Township Council, and that the police village system is not adapted to the requirements of the community, and that it would greatly conduce to the benefit of the said village to be incorporated, and have prayed that an Act may be passed so incorporating the said village; and whereas no opposition has been offered to the granting of the prayer of the said petition, and it appears that the petitioners include almost the whole number of ratepayers in the said village; and whereas it is deemed expedient to grant the prayer of the said petition; Preamble.

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. On and after the passing of this Act the inhabitants of the Village of Neustadt comprised within the boundaries of the second section of this Act mentioned, shall be and Incorporation

they are hereby constituted a corporation or body politic, separate and apart from the Township of Normanby, in which the said village is now situate, under the name of "The Corporation of the Village of Neustadt," and shall enjoy all such rights, powers and privileges as are now or shall hereafter be conferred upon incorporated villages in the Province of Ontario.

Boundaries
of Village.

2. The said Village of Neustadt shall comprise and consist of the lands, within the following boundaries, that is to say: Lots numbers one, two, and three, and all that part of lot number four lying to the west of the right of way of the Stratford and Lake Erie Railway Company, all in the fourteenth concession of the Township of Normanby, in the County of Grey, and lots numbers one, two, and three in the thirteenth concession of the Township of Normanby, in the County of Grey, and all those portions of lots numbers four and five in the thirteenth concession of the Township of Normanby in the County of Grey more particularly described as follows:

Firstly. All that portion of the north half of said lot four, described as follows: Commencing at a point on the western limit of said lot four where the northern limit of Stephana street as shown on Winklers' registered plan of subdivision of lot three, and part of lot four in the thirteenth concession of said Township of Normanby would if produced intersect the said western limit of said lot four; thence easterly parallel with the southerly limit of said lot four a distance of 48 rods to a point; thence southerly parallel with the westerly limit of said lot four a distance of sixty-eight rods more or less to a point in the northern limit of the road or lane shown on said plan and separating the north and south halves of said lot four; thence westerly parallel with the northerly limit of said lot four a distance of 48 rods more or less to the western limit of said lot four, and thence northerly along the western limit of said lot four a distance of 68 rods more or less to the place of beginning.

Secondly. The south half of said lot number four and all that portion of the south half of lot number five lying to the south and west of the right of way of the Stratford and Lake Erie Railway Company, together with the road or lane running east and west and dividing the north and south halves of said lots four and five as shown on Winklers' registered plan of subdivision of part of said lots four and five.

First election.

3. On the *First* day of *May*, 1907, it shall be lawful for Frederick William Meyer, of the Township of Normanby, in the County of Grey, who is hereby appointed the returning officer, to hold the nomination for the first election of reeve and councillors at some prominent

place in the said village, at the hour of noon, and he shall preside at such nomination, or in case of his absence the electors present shall choose from among themselves a chairman to officiate, who shall have all the powers of a returning officer, and the polling for the said election in the event of there being a poll required, shall be held on the same day of the week, in the week next following the said nomination and at the same place, and the duties of the returning officer shall be those prescribed by law with respect to incorporated villages.

4. At the said election the qualification of the said electors and of the reeve and councillors for the said village shall be the same as that required in townships, and at all subsequent elections the qualification of electors and of the reeve, councillors and other officers, shall be the same as that required in incorporated villages.

Qualification at first election.

5. The Township Clerk of the Township of Normanby shall furnish to the returning officer, upon demand made by him for the same, a certified copy of so much of the last revised assessment roll of the said township as may be required to ascertain the person entitled to vote at such first election, or the collector's roll or any document, writing or statement that may be required for that purpose.

Township Clerk to furnish copy of assessment roll.

6. The reeve and councillors so to be elected shall hold their first meeting at some prominent place in the said Village of Neustadt, at the hour of noon on the same day of the week, in the week next following the polling, or if there be no polling, on the same day of the week in the week next following the nomination.

First meeting of council.

7. Save as otherwise provided by this Act, the provisions of *The Consolidated Municipal Act, 1903*, and of all other general Acts respecting municipal institutions, with regard to matters consequent upon the formation of new corporations and the other provisions of the said Acts applicable to incorporated villages shall apply to the Village of Neustadt, in the same manner as they would have been applicable had the said Village of Neustadt been incorporated under the provisions of said Act.

Application of 3 Edw. VII. c. 19.

8. From and after the passing of this Act the said Village of Neustadt shall cease to form a part of the Township of Normanby, and shall to all intents and purposes form a separate and independent municipality, with all the rights, privileges and jurisdiction of an incorporated village in Ontario.

Village to be separate from Township of Normanby.

Expenses of
incorporation
to be borne by
village.

9. The expense of obtaining this Act, and of furnishing any documents, copies of papers, writings, deeds or any matters whatsoever required by the Clerk of the said village or other officers of the said village, shall be borne by the said village and be paid by it to any party that may be entitled thereto.

Represent-
tation.

10. The said Village of Neustadt shall form a part of the Electoral District of the South Riding of the County of Grey.

Assessment
for 1907.

11. The council of the said village may pass a by-law for taking the assessment for the year ending on the 31st day of December, 1907, between the 15th day of June, and the 15th day of July, 1907, and in such case the time for closing the Court of Revision shall be the 31st day of August, and for final return by the Judge of the County Court the 15th day of September.

No. 201.

3rd Session, 11th Legislature,
7 Edward VII., 1907.

BILL.

An Act to incorporate the Village of
Neustadt.

First Reading, 25th March, 1907.

*(Reprinted as amended by Private Bills
Committee.)*

Mr. JAMIESON.

TORONTO:

PRINTED BY L. K. CAMERON,

Printer to the King's Most Excellent Majesty.

An Act respecting the Town of Cobalt.

WHEREAS by a Proclamation of His Honour the Lieutenant-Governor of the Province of Ontario, dated the 21st day of December, 1906, the Town of Cobalt was created and the boundaries of the said town were fixed; and
 5 whereas by inadvertence certain lands were included therein which should have been omitted; and whereas it is expedient to amend the said Proclamation and to alter the boundaries of the said town by excluding those lands which should have been omitted from the said Proclamation and to fix the
 10 boundaries of the said town by an Act of the Legislative Assembly of the Province of Ontario;

Preamble.

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

- 15 1. The Proclamation of His Honour the Lieutenant-Governor of the Province of Ontario, dated the 21st day of December, 1906, creating the Town of Cobalt and fixing the boundaries thereof is hereby amended and the boundaries of the said Town of Cobalt are hereby declared
 20 to be and to have always been those of the town site of Cobalt as laid out by the Temiskaming and Northern Ontario Railway Commission, the plan of which town site with the boundaries thereof is filed in the Office of Land Titles at North Bay as Plan M. 47, and that the boundaries thereof
 25 are described as follows: All and singular that certain parcel or tract of land and premises situate, lying and being in the Township of Coleman, in the District of Nipissing, Province of Ontario, containing by admeasurement 160 acres, be the same more or less, and being composed of part of the
 30 Township of Coleman shown on plan of survey of the said Township of O. L. S. Blair, dated October 1st, 1904, of record in the Department of Lands and Mines, and which may be more fully described as follows:—

Proclamation of Lieutenant-Governor dated Dec., 1906 amended.

Commencing at the intersection of the east limit of lot number 7, in the fifth concession of the Township of Coleman, with the north-westerly limit of the right of way of the Temiskaming and Northern Ontario Railway, said point being 49 ft. 6 in. perpendicular distance from the centre of the railway track as constructed. Thence north-westerly along the northerly limit of the Temiskaming and Northern Ontario Railway at a perpendicular distance of 49 ft. 6 in. from the centre of the railway track as constructed, crossing a bay of Cobalt Lake, a distance of 1,580 ft. more or less to its intersection with water's edge of the easterly side of the bay of Cobalt Lake. Thence north 36 degrees 30 minutes east astronomically 150 feet more or less to a point at a perpendicular distance of 115 ft. 6 in., measured from the centre of the railway track as constructed. Thence north-easterly parallel with the centre of the railway track as constructed and always at a perpendicular distance of 115 ft. 6 in. therefrom, 2,240 feet more or less to the base of a curve as constructed on the said railway, and shown on the plan attached hereto as B. C. 84 plus 27.5.

Thence north-easterly in a straight line 600 feet more or less to the south-west angle of parcel No. 2, of mining location R. L. 401, said south-west angle being at a perpendicular distance of 200 feet from the centre of the said railway as constructed, said parcel being granted by letter patent dated 4th February, 1905, to the Nipissing Mining Company, Limited; thence due north astronomically along the west limit of the said parcel No. 2, 1,100 feet more or less to the south-east angle of mining location J.B. 7 as granted by letters patent dated January 12th, 1905, to William G. Tretheway. Thence due west astronomically along the south limit of said mining location J. B. 7 and the south part of Lot 6 in the 6th Concession granted by letters patent dated November 26th, 1904, to David Alexander Dunlap, 2,822 feet more or less to the east limit of Lot 7 in the 6th Concession of the said Township. Thence due south astronomically along the said limit and the easterly limit of Lot 7, Concession 5, of the said Township 4,202 feet more or less to the place of beginning as shown on the plan of survey by O. L. S. Clarke, dated November 26th, 1905, of record in the Department of Lands and Mines.

3rd Session, 11th Legislature,
7 Edward VII., 1907.

BILL.

An Act respecting the Town of Cobalt.

First Reading, 25th March, 1907.

MR. SMYTH.

TORONTO:

PRINTED BY L. K. CAMERON,

Printer to the King's Most Excellent Majesty.

An Act respecting the Form and Interpretation of the Statutes.

SHORT TITLE, s. 1.

MODE OF CITING STATUTES, s. 2.

FORM OF ENACTING CLAUSE, s. 3.

AMENDMENT OF AN ACT BY AN ACT OF SAME SESSION, s. 4.

TIME OF COMMENCEMENT OF ACTS, s. 5.

APPLICATION OF THIS ACT, s. 6.

LAW ALWAYS SPEAKING, s. 7 (1).

WORDS AND TERMS—

“shall” and “may,” s. 7 (2).

“herein,” s. 7 (3).

“now” or “next,” s. 7 (4).

“His Majesty,” “The Crown,” etc., s. 7 (5).

“Lieut.-Governor,” etc., s. 7 (6).

“Lieut.-Governor in Council,” s. 7 (7).

“United Kingdom,” etc., s. 7 (8).

“Upper Canada,” s. 7 (9).

“Lower Canada,” s. 7 (9).

“proclamation,” s. 7 (10, 11).

“Great Seal,” s. 7 (10).

“county,” s. 7 (12).

“person,” s. 7 (13).

“writing,” “written,” s. 7 (14).

“month,” “year,” s. 7 (15).

“holiday,” s. 7 (16—18).

“oath,” “affidavit,” “swear,” “sworn,” s. 7 (19, 20).

“sureties,” “security,” s. 7 (21).

“Registrar,” s. 7 (22).

“Magistrate,” “Two Justices,” s. 7 (23).

“Legally qualified medical practitioner,” s. 7 (24).

“felony,” s. 7 (25).

“Rules of Court,” s. 8 (36).

Expressing number or gender, s. 7 (26).

Constituting Bodies corporate, s. 7 (27).

Appointing or relating to public officers, s. 7 (28, 29).

COMPUTATION OF TIME, s. 7 (18).

WHO MAY ADMINISTER AND CERTIFY OATHS, s. 7 (19, 20).

OFFICES TO BE HELD DURING PLEASURE, s. 7 (30).

IMPRISONMENT WHERE NO PLACE SPECIFIED, s. 7 (31).

ACTS TO BE DONE BY MORE THAN TWO MAY BE DONE BY A MAJORITY, s. 7 (32).

DEVIATIONS FROM PRESCRIBED FORMS, s. 7 (35).

EXTENT OF POWER TO MAKE RULES OF COURT, s. 7 (37).

POWER TO MAKE BY-LAWS, RULES, &c., TO INCLUDE POWER TO ALTER, s. 7 (38).

ALL ACTS TO BE DEEMED PUBLIC ACTS, s. 7 (39).

PREAMBLE TO BE PART OF AN ACT, s. 7 (40).

ACTS TO BE DEEMED REMEDIAL, s. 7 (41).

REFERENCES TO SECTIONS BY NUMBER, s. 7 (42).

CERTAIN PRELIMINARY ACTS MAY BE DONE BEFORE COMMENCEMENT OF ACT, s. 7

EXPRESSIONS USED IN REGULATIONS AND CERTAIN OTHER INSTRUMENTS TO HAVE SAME MEANING AS IN ACT AUTHORIZING, s. 7 (44).

RESERVATION OF POWER TO AMEND OR REPEAL ACTS, s. 7 (45).

REPEAL OF ACTS—

Effect of, s. 7 (46).

When other provisions substituted, s. 7 (47).

Amendment, consolidation or revision, s. 7 (48).

Not to be deemed a declaration that repealed Act was in force, s. 7 (49).

ACTS NOT TO INVOLVE A DECLARATION AS TO PREVIOUS STATE OF THE LAW, s. 7 (49-51).

RE-ENACTMENT OF AN ACT NOT TO BE AN ADOPTION OF JUDICIAL CONSTRUCTION, s. 7 (52).

ACTS NOT TO AFFECT THE CROWN UNLESS SO DECLARED, s. 7 (53).

INTERPRETATION OF ACTS RELATING TO LEGAL MATTERS, s. 9.

INTERPRETATION OF ACTS RELATING TO MUNICIPAL MATTERS, s. 10.

WHERE AN ACT IS AN OFFENCE UNDER TWO ACTS, HOW PUNISHABLE, s. 11.

INTERPRETATION OF THIS ACT, s. 12.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short title.

1. This Act may be cited as "*The Interpretation Act*," R.S.O. 1897, c. 1, s. 1. 5

How they may be cited.

2. A statute may be cited and referred to for all purposes either by its title or by its short title or by a reference to the number of the particular chapter in the Revised Statutes, 1907, or in the annual volume of Statutes printed by the King's Printer. (See R.S.O. 1897, c. 1, s. 2.) 10

Form of enacting clause.

3. The following words in a statute shall indicate the authority by virtue of which it is passed: "His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows." R.S.O. 1897, c. 1, s. 3. 15

Acts may be amended or repealed during Session in which passed.

4. Any Act of the Legislature may be amended, altered or repealed by any Act passed in the same Session thereof. R.S.O. 1897, c. 1, s. 5.

Endorsement on Acts.

5.—(1) The Clerk of the Legislative Assembly shall endorse on every Act, immediately after the title of such 20 Act, the day, month and year when the same was by the Lieutenant-Governor assented to, or reserved; in the latter case, the Clerk shall also endorse thereon the day, month and year when the Lieutenant-Governor has signified either by speech or message to the Legislative Assembly, or by 25 proclamation, that the same was laid before the Governor-General in Council, and that the Governor-General was pleased to assent thereto.

Time of commencement.

(2) Such endorsement shall be taken to be a part of the Act; and the date of the assent or signification, as the case 30 may be, shall be the date of the commencement of the Act, if no later commencement is therein provided. R.S.O. 1897, c. 1, s. 6.

6.—(1) This, the following sections of this Act and each provision thereof, shall extend and apply to the Revised Statutes of Ontario, 1907, and to every Act of the Legislature passed since the said Revised Statutes took effect, except in so far as any provision is inconsistent with the intent and object of such Act, or the interpretation which such provision would give to any word, expression or clause, is inconsistent with the context, and except in so far as any provision thereof is in any such Act declared not applicable thereto. R.S.O. 1897, c. 1, s. 7 (1).

This and following sections except 13 to apply to all Acts.

7. Subject to the limitations in the preceding section of this Act—in every Act to which this section applies,

How enactments shall be construed.

1. The Law shall be considered as always speaking, and whenever any matter or thing is expressed in the present tense, the same is to be applied to the circumstances as they arise, so that effect may be given to each Act and every part thereof according to its spirit, true intent and meaning;

Expressions in present tense.

2. The word "shall" shall be construed as imperative and the word "may" as permissive;

"Shall" and "may."

3. Wherever the word "herein" is used in any section of an Act, it shall be understood to relate to the whole Act and not to that section only;

"Herein."

4. The words "now" and "next" shall be construed as having reference to the time when the Act was presented for the Royal Assent. R.S.O. 1897, c. 1, s. 8, pars. 1-4;

"Now," and "next."

5. The words "His Majesty," "Her Majesty," "The King," "The Queen," or "The Crown," shall mean the Sovereign of the United Kingdom of Great Britain and Ireland for the time being. R.S.O. 1897, c. 1, s. 8, par. 5; 1 Edw. VII. c. 12 s. 1;

"His Majesty," "Her Majesty," "The King," "The Queen," or "The Crown."

6. The words "Lieutenant-Governor," or "Governor," shall mean the Lieutenant-Governor for the time being of Ontario, or other the Chief Executive Officer or Administrator for the time being carrying on the government of Ontario, by whatever title he is designated;

"Lieutenant-Governor," or "Governor."

7. The words "Lieutenant-Governor in Council," or "Governor in Council," shall mean the Lieutenant-Governor of Ontario, or person administering the government of Ontario for the time being, acting by and with the advice of the Executive Council for Ontario;

"Lieutenant-Governor in Council," etc.

8. The words "the United Kingdom" shall mean the United Kingdom of Great Britain and Ireland; and generally, the name commonly applied to any country, place, body, corporation, society, officer, functionary, person.

"United Kingdom," "United States," "Names of places, corporations, etc."

party or thing, shall mean such country, place, body, corporation, society, officer, functionary, person, party or thing, although such name be not the formal and extended designation thereof;

"Upper Canada," "Lower Canada."

9. The words "Upper Canada" shall mean all that part of Canada which formerly constituted the Province of Upper Canada; and the words "Lower Canada" shall mean all that part of Canada which formerly constituted the Province of Lower Canada;

"Proclamation," "Great Seal."

10. The word "proclamation" shall mean a proclamation under the Great Seal; and the expression "Great Seal" shall mean the Great Seal of Ontario;

Lieutenant-Governor acting by proclamation.

11. Where the Lieutenant-Governor is authorized to do any act by proclamation, such proclamation is to be understood to be a proclamation issued under an order of the Lieutenant-Governor in Council; but it shall not be necessary that it be mentioned in the proclamation that it is issued under such order;

"County."

12. The word "county" shall include two or more counties united for purposes to which the enactment relates;

"Person."

13. The word "person" shall include any body corporate or politic, and the heirs, executors, administrators or other legal representatives of a person, to whom the context can apply according to law;

"Writing," "Written."

14. The words "writing," "written," or any term of like import, shall include words printed, painted, engraved, lithographed, photographed, or represented or reproduced by any other mode in a visible form;

"Month," "Year."

15. The word "month" shall mean a calendar month; and the word "year," a calendar year. R.S.O. 1897, c. 1, s. 8, pars. 6-15;

"Holiday."

16. The word "holiday" shall include Sunday, New Year's Day, Good Friday, Easter Monday, Christmas Day, the birthday, or the day fixed by proclamation of the Governor-General for the celebration of the birthday of the reigning sovereign, Victoria Day, Dominion Day, Labour Day, and any day appointed by proclamation of the Governor-General or the Lieutenant-Governor as a public holiday, or for a General Fast or Thanksgiving. 2 Edw. VII. c. 12, s. 1;

Dominion Day (see R. S. O., c. 111.)

Holiday.

17. Whenever any other holiday falls on a Sunday, the day next following shall be in lieu thereof a holiday. 3 Edw. VII. c. 7, s. 2;

Computation of time where time limited expires on a holiday.

18. If the time limited by an Act for any proceeding, or for the doing of anything under its provisions, expires or falls upon a holiday, the time so limited shall extend to, and such thing may be done on, the day next following which is not a holiday;

19. The words "oath" and "affidavit" shall in the case "Oath."
 of persons for the time being allowed by law to affirm or "Affidavit."
 declare instead of swearing, include affirmation and declara-
 tion; the word "swear" in the like case shall include affirm "Swear."
 5 and declare, and "sworn" shall include affirmed and de- "Sworn."
 clared;

And in every case where an oath, affirmation or declara- Authority to
 tion is directed to be made before any person or officer, such administer.
 person or officer shall have full power and authority to
 10 administer the same and to certify to its having been made;

20. Where by an Act of the Legislature or by a Administration
 rule of the Legislative Assembly, or by an order, regu- of oaths.
 lation or commission, made or issued by the Lieuten-
 ant-Governor in Council, under a law authorizing him to
 15 require the taking of evidence under oath, an oath is author-
 ized or directed to be made, taken or administered, the oath
 may be administered, and a certificate of its having been Certificate of
 made, taken or administered may be given, by any one administration
 named in the Act, rule, order, regulation or commission, of oaths.
 20 or by a Judge of any Court, a Notary Public, Justice of the
 Peace, or Commissioner for taking affidavits, having author-
 ity or jurisdiction in the place where the oath is admin-
 istered;

21. The word "sureties" shall mean sufficient sureties "Sureties,"
 25 and the word "security" shall mean sufficient security, and "Security."
 where these words are used, one person shall be sufficient
 therefor unless otherwise expressly required;

22. The word "Registrar" shall include a Deputy "Registrar."
 Registrar;

30 23. The word "Magistrate" shall mean a Justice of the "Magistrate,"
 Peace; the words "two Justices" shall mean two or more "Two Jus-
 Justices of the Peace, assembled or acting together; the tices."
 words "Justice of the Peace" or "Magistrate" shall include "Justice of the
 two or more Justices of the Peace or Magistrates assembled Peace," or
 35 or acting together; "Magistrate" to include two or more acting
 together.

If anything is directed to be done by or before a Magis-
 trate or a Justice of the Peace, or other public functionary
 or officer, it shall be done by or before one whose jurisdic-
 tion or powers extend to the place where such thing is to
 40 be done;

Wherever power is given to any person, officer or func- Implied
 tionary to do or to enforce the doing of any act or thing, powers.
 all such powers shall be understood to be also given as are
 necessary to enable such person, officer, or functionary to
 45 do or enforce the doing of such act or thing;

24. The words "legally qualified medical practitioner" "Legally
 or "duly qualified medical practitioner," or any other words qualified medi-
 cal practi-
 tioner," "duly

qualified medical practitioner." Rev. Stat. c. 176. importing legal recognition of any person as a medical practitioner or member of the medical profession, shall mean a person registered under *The Ontario Medical Act*. R.S.O. 1897, c. 1, s. 8, pars. 17-23.

Meaning of "felony" and "misdemeanour" when used in Revised Statutes. 25. "Felony" shall mean any crime which before the passing of *The Criminal Code, 1892*, of Canada would have been a felony under the law of Canada and "misdemeanour" shall mean any crime which before the passing of the said Code would have been a misdemeanour under the said law. R.S.O. 1897, c. 1, s. 13. 5 10

Number and gender. 26. Words importing the singular number or the masculine gender only, shall include more persons, parties or things of the same kind than one, and females as well as males, and the converse;

Effect of words constituting a corporation. 27. Words making any association or number of persons a corporation or body politic and corporate, shall vest in such corporation power to sue and be sued, contract and be contracted with, by their corporate name, to have a common seal, and to alter or change the same at their pleasure, and to have perpetual succession, and power to acquire and hold personal property or moveables for the purposes for which the corporation is constituted, and to alienate the same at pleasure; and shall also vest in any majority of the members of the corporation, the power to bind the others by their acts; and shall exempt the individual members of the corporation from personal liability for its debts, obligations or acts, provided they do not contravene the provisions of the Act incorporating them; 15 20 25

Words authorizing appointment include power to remove. 28. Words authorizing the appointment of any public officer or functionary, or any deputy, shall include the power of removing him, re-appointing him, or appointing another in his stead, from time to time, in the discretion of the authority in whom the power of appointment is vested; 30

Directions to public officer to apply to his successors and his deputy. 29. Words directing or empowering a public officer or functionary to do any act or thing, or otherwise applying to him by his name of office, shall include his successors in such office, and his or their lawful deputy; 35

Appointments by Lieutenant-Governor to be during pleasure. 30. All officers heretofore or hereafter appointed by the Lieutenant-Governor, whether by commission or otherwise, shall remain in office during pleasure only; 40

Imprisonment where no special place is mentioned. 31. If in any Act any person is directed to be imprisoned or committed to prison, the imprisonment or committal shall, if no other place is mentioned or provided by law, be in or to the Common Gaol of the locality in which the order for the imprisonment is made, or if there be no Common Gaol there, then in or to that Common Gaol which is nearest to such locality. R.S.O. 1897, c. 1, s. 8, pars. 24-29. 45

32. Where an act or thing is required to be done by more than two persons, a majority of them may do it; Acts to be done by more than two.

33. If a power is conferred or a duty imposed, the power may be exercised and the duty shall be performed from time to time as occasion requires;

34. If a power is conferred or a duty imposed on the holder of any office as such the power may be exercised and the duty shall be performed by the holder for the time being of the office; (See R.S.C., c. 1, s. 31, cls. (e), (f).)

35. Where forms are prescribed, deviations therefrom not affecting the substance or calculated to mislead, shall not vitiate them; Deviation from forms.

36. The expression "rules of court" when used in relation to any court shall mean rules made by the authority having for the time being power to make rules or orders regulating the practice and procedure of such court; Rules of court.

37. The power of the said authority to make rules of court as above defined shall include a power to make rules of court for the purpose of any Act directing or authorizing anything to be done by rules of court; Authority to make rules of court.

38. Where power to make by-laws, regulations, rules or orders is conferred, it shall include the power to alter or revoke the same from time to time and make others; Power to make by-laws, etc., to confer power to alter.

39. Every Act shall, unless by express provision it is declared to be a Private Act, be deemed to be a Public Act, and shall be judicially noticed by all Judges, Justices of the Peace, and others, without being specially pleaded; Acts to be deemed public Acts.

40. The Preamble of an Act shall be deemed a part thereof and intended to assist in explaining the purport and object of the Act; Preamble to be a part of Act.

41. Every Act and every provision or enactment thereof shall be deemed remedial, whether its immediate purport be to direct the doing of anything which the Legislature deems to be for the public good, or to prevent or punish the doing of anything which it deems to be contrary to the public good,—and shall accordingly receive such fair, large and liberal construction and interpretation as will best ensure the attainment of the object of the Act, and of the provision or enactment, according to the true intent, meaning and spirit thereof; All Acts remedial.

42. Where reference is made by number to two or more sections, subsections or clauses in any statute, the number first mentioned and the number last mentioned shall both be deemed to be included in the reference; References to numbers of sections to include first and last number.

43. Where an Act is not to come into operation immediately on the passing thereof, and confers power to make What may be done under an Act before the

date fixed for
its commence-
ment.

any appointment, to make, grant or issue any instrument, that is to say, any Order in Council, order, warrant, scheme, letters patent, rules, regulations, or by-laws, to give notices, to prescribe forms or to do any other thing for the purposes of the Act, that power may, unless the contrary intention 5 appears, be exercised at any time after the passing of the Act, so far as may be necessary or expedient for the purpose of bringing the Act into operation at the date of the commencement thereof, subject to this restriction that any instrument made under the power shall not, unless the con- 10 trary intention appears in the Act, or the contrary is necessary for bringing the Act into operation, come into operation until the Act comes into operation;

Expressions
used in instru-
ments issued
under any Act
to have same
meaning as in
the Act.

44. Where any Act confers power to make, grant or issue any instrument, that is to say, any Order in Council, order, 15 warrant, scheme, letters patent, rules, regulations or by-laws, expressions used in the instrument, if it is made after the 31st day of December, 1897, shall, unless the contrary intention appears, have the same respective meaning as in the Act conferring the power; 20

Reservation of
power to repeal
or amend.

45. Every Act shall be construed as reserving to the Legislature the power of repealing or amending it, and of revoking, restricting or modifying any power, privilege or advantage thereby vested in or granted to any person or party, whenever the repeal, amendment, revocation, restric- 25 tion, or modification is deemed by the Legislature to be required for the public good. R.S.O. 1897, c. 1, s. 8, pars. 35-45.

Repeal—
effect of.

46. Where any Act or enactment is repealed, or where any regulation is revoked, such repeal or revocation shall 30 not save as in this section otherwise provided,—

- (a) Revoke any Act, enactment, regulation or thing not in force or existing at the time at which the revocation takes effect; or
- (b) Affect the previous operation of any Act, enact- 35 ment, regulation or thing so repealed or revoked; or
- (c) Affect any right, privilege, obligation or liability acquired, accrued, accruing or incurred under the Act, enactment, regulation or thing so re- 40 pealed or revoked; or
- (d) Affect any offence committed against any Act, enactment, regulation or thing so repealed or revoked, or any penalty or forfeiture or punish- 45 ment incurred in respect thereof; or
- (e) Affect any investigation, legal proceeding or remedy in respect of any such privilege, obligation, liability, penalty, forfeiture or punishment as aforesaid;

And any such investigation, legal proceeding or remedy may be instituted, continued, or enforced, and any such penalty, forfeiture or punishment may be imposed, as if the Act, enactment, regulation or thing had not been repealed or revoked;

47. If other provisions are substituted for those so repealed or revoked,— When other provisions substituted.

- 10 (a) All officers and persons acting under the Act, enactment, regulation or thing so repealed or revoked shall continue to act, as if appointed under the provisions so substituted until others are appointed in their stead; and
- 15 (b) All proceedings taken under the Act, enactment, regulation or thing so repealed or revoked, shall be taken up and continued under and in conformity with the provisions so substituted, so far as consistency may be; and
- 20 (c) In the recovery or enforcement of penalties and forfeitures incurred, and in the enforcement of rights existing or accruing under the Act, enactment, regulation or thing so repealed or revoked, or in any other proceeding in relation to matters which have happened before the repeal or revocation, the procedure established by the substituted provisions shall be allowed so far as it can be adopted; and
- 25 (d) If any penalty, forfeiture or punishment is reduced or mitigated by any of the provisions of the Act, enactment, regulation or thing whereby such other provisions are substituted, the penalty, forfeiture or punishment, if imposed or adjudged after such repeal or revocation shall be reduced or mitigated accordingly.
- 30

48. Where any Act or enactment is repealed and other provisions are substituted by way of amendment, revision or consolidation,— Amendment, consolidation or revision,

- 40 (a) All regulations, orders, ordinances, rules and by-laws made under the repealed Act, enactment, shall continue good and valid, in so far as they are not inconsistent with the substituted Act or enactment, until they are annulled and others made in their stead; and
- 45 (b) Any reference in any unrepealed Act, or in any rule, order or regulation made thereunder to such repealed Act or enactment, shall as regards any subsequent transaction, matter or

thing, be held and construed to be a reference to the provisions of the substituted Act or enactment relating to the same subject matter; and if there is no provision in the substituted Act or enactment relating to the same subject matter, the repealed Act or enactment shall stand good, and be read and construed as unrepealed in so far, and in so far only, as is necessary to support, maintain or give effect to such repealed Act, or enactment, or such rule, order or regulation made thereunder. (See R.S.C. cap. 1, ss. 19, 20.)

Repeal or Act not a declaration that Act was in force.

49. The repeal of any Act or enactment shall not be deemed to be or to involve a declaration that such Act, or enactment, was, or was considered by the Legislature to have been, previously in force;

Repeal or amendment not a declaration of previous state of the law.

50. The repeal or amendment of any Act shall not be deemed to be or to involve any declaration whatsoever as to the previous state of the law;

Amendment of Act not a declaration of different state of law.

51. The amendment of any Act shall not be deemed to be or to involve a declaration that the law under such Act was, or was considered by the Legislature to have been, different from the law as it has become under such Act as so amended;

Re-enactment, etc., not an adoption of judicial construction.

52. The Legislature shall not, by re-enacting an Act or enactment, or by revising, consolidating or amending the same, be deemed to have adopted the construction which has by judicial decision or otherwise, been placed upon the language used in such Act or enactment or upon similar language;

Acts not to affect the Crown unless so declared.

53. No Act or enactment shall affect in any manner or way whatsoever, the rights of His Majesty, His Heirs or Successors, unless it is expressly stated therein that His Majesty shall be bound thereby; nor if the Act be in the nature of a Private Act, shall it affect the rights of any person, or body politic, corporate, or collegiate, such only excepted as are therein mentioned or referred to. R.S.O. 1897, c. 1, s. 8, pars. 54-58.

Interpretation section of Rev. Stat. c. 51.

9. The interpretation section of *The Judicature Act*, so far as the terms defined can be applied, shall extend to all enactments relating to legal matters. R.S.O. 1897, c. 1, s. 9.

Interpretation section of Municipal Act. 3 Edw. VII., c. 19.

10. The interpretation section of *The Municipal Act*, so far as the terms defined can be applied, shall extend to all enactments relating to municipal matters. R.S.O. 1897, c. 1, s. 10.

11. Where an act or omission constitutes an offence under two or more Acts, or an offence both under an Act and at common law, the offender shall, unless the contrary intention appears, be liable to be prosecuted and punished under either or any of those Acts or at common law, but shall not be liable to be punished twice for the same act or omission.
 R.S.O. 1897, c. 1, s. 11.

12. The foregoing provisions of this Act shall apply to the construction of this Act and to the words and expressions used therein. R.S.O. 1897, c. 1, s. 12.

3rd Session, 11th Legislature,
7 Edward VII., 1907.

BILL.

An Act respecting the Form and Interpretation of the Statutes.

First Reading, 15th March, 1907.

Mr. FOY

TORONTO:

PRINTED BY L. K. CAMERON,

Printer to the King's Most Excellent Majesty

An Act respecting the Printing and Distribution of
the Statutes.

HIS MAJESTY, by and with the advice and consent
of the Legislative Assembly of the Province of On-
tario, enacts as follows:—

1. The Statutes shall be printed, published and distri-
5 buted by the King's Printer in such manner as may from
time to time be prescribed by the Lieutenant-Governor in
Council and approved by resolution of the Legislative
Assembly. Statutes to be printed and distributed as directed by Order-in-Council.
2. The Clerk of the Legislative Assembly shall furnish
10 the King's Printer with a certified copy of every Act of
the Legislature as soon as the same has been assented to or
if the Bill has been reserved, as soon as the assent thereto
has been signified in accordance with the provisions of *The
British North America Act*. Clerk to furnish copy of Act to King's Printer.
- 1 3. The King's Printer shall, before the opening of every
Session of the Legislative Assembly, make a report to the
Lieutenant-Governor (to be by him laid before the said
Assembly within fifteen days after the opening of such
Session) shewing the number of copies of the Acts of each
2 Session which have been printed and distributed by him
since the last Session, the departments, administrative
bodies, officers and persons to whom the same have been
distributed, the number of copies delivered to each, and
under what authority, and the number of copies of the
25 Acts of each Session then remaining in his hands. Annual report of distribution.
4. Chapter 2 of the Revised Statutes of Ontario, 1897,
is repealed. Rev. Stat. c. 2 repealed.

No. 204.

3rd Session, 11th Legislature,
7 Edward VII., 1907.

BILL.

An Act respecting the Printing and Dis-
tribution of the Statutes.

First Reading, 15th March, 1907.

Mr. FOY.

TORONTO:

PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

No. 205.

BILL.

1907.

An Act respecting Fines, Penalties, and Forfeitures.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1.—(1) Where a pecuniary fine, penalty or forfeiture is imposed for a contravention of an Act of the Legislature of Ontario and no other provision is made for the recovery thereof, the fine, penalty or forfeiture shall be recoverable with costs by a civil action at the suit of the Crown or of any person suing as well for the Crown as for himself before any Court of competent jurisdiction upon the evidence of one credible witness other than the person interested.

Recovery of penalties by action.

(2) If no other provision is made and the recovery is at the suit of the Crown the fine, penalty or forfeiture shall belong to the Crown, and if at the suit of a private party then one half shall belong to him and the other half shall belong to the Crown. R.S.O., c. 1, s. 8, par. 30.

Application of penalty.

2. Where the amount of the fine, penalty or forfeiture is in the discretion of the Court or Judge or in case the Court or Judge has power to impose imprisonment in addition to or in lieu of the fine, penalty or forfeiture, and no other mode of recovery is prescribed, the penalty or forfeiture may be recovered upon indictment in the High Court of Justice or General Sessions of the Peace. R.S.O., c. 1, s. 8, par. 31.

Recovery of penalties by indictment.

3. Where by an Imperial Statute in force in Ontario a pecuniary fine, penalty or forfeiture is imposed in respect of a matter within the legislative authority of this Legislature and the whole or part of the fine, penalty or forfeiture is in any manner appropriated for the support of the poor or to any parochial or other purpose inapplicable to Ontario, the fine, penalty or forfeiture or the part thereof

Application of penalties imposed under certain Imperial Acts.

so appropriated shall belong to the county, or city or town separated from the county, in which the conviction has taken place, and in case a conviction has taken place in some part of the Province without county organization then the fine, penalty or forfeiture shall belong to the Crown. 5
R.S.O., c. 107, s. 1.

Fines, etc., to be paid into consolidated Revenue Fund.

4. Every pecuniary fine and penalty imposed for a contravention of any Statute in force in the Province and the proceeds of every forfeiture imposed and given to the Crown by any such Statute shall where the disposal thereof is with- 10
in the power of the Legislature, and except so far as other provision is made in respect thereto be paid to the Treasurer of the Province and shall form part of the Consolidated Revenue Fund. R.S.O., c. 107, s. 2; 1 Edw. VII. c. 12, s. 12. 15

Remission of penalty by court or judge.

5.—(1) Where a pecuniary fine, penalty or forfeiture is imposed by any Act of the Province of Ontario the Court or Judge having cognizance of the proceedings may at any time after the commencement thereof remit in whole or in part such fine, penalty or forfeiture whether the money is 20
in whole or in part payable to the Crown or to some person other than the Crown and whether the same is recoverable by indictment, information, summary process, action or otherwise. R.S.O., c. 108, s. 1.

Authority not extended to justices of the peace.

(2) This section shall not be held to give to a Police 25
Magistrate or Justice of the Peace the authority herein mentioned. R.S.O., c. 108, s. 2.

Remission of penalties by Lieutenant-Governor in Council.

6. The Lieutenant-Governor in Council may at any time remit any fine, penalty or forfeiture mentioned in the next preceding section in whole or in part unless the same 30
is imposed by *The Act respecting the Legislative Assembly*, or by some Act respecting the election of members to the Legislative Assembly or is recoverable in respect of any offence committed in connection with any such election. 35
R.S.O., c. 108, s. 3.

Costs not to be remitted.

7. Nothing herein contained shall authorize the remitting of costs incurred up to the time of remitting the penalty or forfeiture.

Rev. Stat. cc. 107, 108, repealed.

8. Chapters 107 and 108 of the Revised Statutes of Ontario, 1897, are repealed. 40

3rd Session, 11th Legislature,
7 Edward VII., 1907.

BILL.

An Act respecting Fines, Penalties and
Forfeitures.

First Reading, 15th March, 1907.

Mr. FOY.

TORONTO:

PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

An Act to amend The Act respecting the Consolidated Revenue Fund and the Revenue derived from Legal Proceedings.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. *The Act respecting the Consolidated Revenue Fund and* Rev. Stat.,
c. 21, amended.
5 *the Revenue derived from Legal Proceedings* is amended by adding thereto the following section :—

8. If any sum of the public money, is by an Act appropriated for any purpose, or directed to be paid by the Lieutenant-Governor, and no other provision is made respecting it, such sum shall be payable under warrant of the Lieutenant-Governor directed to the Treasurer of the Province, out of the Consolidated Revenue Fund; and all persons entrusted with the expenditure of any such sum, or any part thereof, shall account for the same in such manner and form,
15 with such vouchers, at such periods and to such officer, as the Lieutenant-Governor may direct. Paying over and accounting for public moneys.

3rd Session, 11th Legislature,
7 Edward VII., 1907.

BILL.

An Act to amend The Act respecting the Consolidated Revenue Fund and the Revenue derived from Legal Proceedings.

First Reading. 15th March, 1907.

Mr. FOY.

TORONTO:

PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

An Act to amend The Agricultural Societies Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be known as *The Agricultural Societies* Short title.
5 *Amendment Act, 1907.*

2. Section 22 of *The Agricultural Societies Act* is 6 Edw. c. 16,
amended by adding thereto the following: s. 22,
amended.

(4) Prosecution under this section of the Act may be made only upon the information being laid by a person who
10 is a member of the society for the current year and who also was a member of the society in the previous year. Prosecutions for horse-racing.

3. Notwithstanding anything contained in *The Agricultural Societies Act*, the society known as the Mount Forest Agricultural Society is hereby declared to be a society or-
15 ganized and incorporated under the said Act, and to have all the rights and privileges enjoyed by an Agricultural Society under the said Act. Mount Forest Agricultural Society.

4. Notwithstanding anything contained in *The Agricultural Societies Act* or *The Horticultural Societies Act*, the
20 society organized under the Agriculture and Arts Act and known as the Chesley Horticultural Society, is hereby changed to the Chesley Agricultural Society, and is declared to be an agricultural society under *The Agricultural Societies Act*, and to have all the rights and privileges of
25 an agricultural society under the said Act. Chesley Agricultural Society.

5. Notwithstanding anything contained in *The Agricultural Societies Act*, the society known as the Peterborough Industrial Society is declared to be an agricultural society under the provisions of *The Agricultural Societies Act*, and Peterborough Industrial Society.

to have all the rights and privileges of an agricultural society under this Act.

McKellar
Township
Agricultural
Society.

6. Notwithstanding anything contained in *The Agriculture and Arts Act* and *The Agricultural Societies Act*, the McKellar Township Agricultural Society is hereby de- 5
clared to be an agricultural society organized under *The Agricultural Societies Act*, and to have all the corporate powers of a society organized under this Act.

Forest Horti-
cultural
Society.

7. Notwithstanding anything contained in *The Agriculture and Arts Act*, *The Agricultural Societies Act* and *The* 10
Horticultural Societies Act, the society known heretofore as the Forest Horticultural Society is hereby changed to the Forest Agricultural Society, and the said society is to have all the rights and privileges of an agricultural society under *The Agricultural Societies Act*.

No. 207.

3rd Session, 11th Legislature,
7 Edward VII, 1907.

BILL.

An Act to amend The Agricultural
Societies Act.

First Reading, 22nd March, 1907.

MR. MONTEITH.

TORONTO:

PRINTED BY L. K. CAMERON.

Printer to the King's Most Excellent Majesty.

The Statute Law Amendment Act, 1907.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. *The Ontario Voters' Lists Act* is amended by adding 5 thereto the following section:—

Rev. Stat., c. 7,
amended.

62a. Where the sheriff is unable personally to perform the duties assigned to him by this Act the Lieutenant-Governor in Council may appoint some person to act in his place, and the person so appointed shall have all the powers 10 and authority conferred by this part on the sheriff.

When Sheriff
is unable to
prepare lists
in unorganized
territory.

2. Section 4 of *The Act respecting the Fees of Certain Public Officers* is repealed and the following substituted therefor:

Rev. Stat., c. 18
s. 4, repealed.

4.—(1) Every Division Court Clerk shall be entitled to 15 retain to his own use in each year all the fees and emoluments earned by him in that year up to \$2,000.

Fees which are
to be retained
by Division
Court Clerks for
their own use.

(2) Of the fees and emoluments earned by any Division Court Clerk in each year he shall pay to the Provincial Treasurer a percentage of 20 per cent. on the excess over 20 \$2,000.

3. Subsection 3a added to section 144 of *The Judicature Act* by section 9 of chapter 17 of the Acts passed in the 63rd year of the reign of Her late Majesty is amended by striking out the words "having a population of over 100,- 25 000" in the third line of the said subsection.

Rev. Stat.,
c. 31, s. 144,
amended.

4. Section 154 of *The Judicature Act* is amended by adding thereto the following subsection:

Rev. Stat.,
c. 51, s. 154,
amended.

(2) A fee of two dollars shall be payable to the local registrar or deputy clerk of the Crown for his own use for

entering an action for trial at the Assizes or Sittings. (See 44 V. c. 8, s. 1.)

Damages may
be increased
or reduced.

5. Where on an application for a new trial the Court is of opinion that the damages awarded are either unreasonably large or unreasonably small, as the case may be, the Court, if not otherwise dissatisfied with the verdict, may instead of granting a new trial, increase or reduce such damages as may be deemed just. (See *Watt vs. Watt* (1905), A.C. 115.)

Rev. Stat., c. 59,
ss. 9 and 10,
repealed.

6. Sections 9 and 10 of *The Surrogate Courts Act* are hereby repealed and the following is substituted for the said section 9:

9. The Lieutenant-Governor may from time to time appoint a registrar of the Surrogate Court in every county to hold office during pleasure, and upon the death, resignation or removal of such registrar shall supply the vacancy.

Rev. Stat., c. 86
amended.

7. *The Act respecting the Qualification and Appointment of Justices of the Peace* is amended by adding thereto the following section:

Use of Court
room and
town hall.

Every Justice of the Peace shall, whenever he deems that there is occasion therefor, have a right to use any court room or town hall belonging to the county or any municipality therein (which has no Police Magistrate) for the hearing of cases brought before him; provided the Justice in so using the court room or town hall shall not interfere with the ordinary use of the court rooms for the other courts, or with the use of the town hall for the purposes for which the same was built. (See Rev. Stat., c. 87, s. 28.)

Rev. Stat., c. 87
amended.

8. *The Act respecting Police Magistrates* is amended by adding thereto the following section:

Provision for
absence or
illness of police
magistrate.

39. In the event of the illness or absence from the county of any Police Magistrate, any other Police Magistrate within said county, whether appointed for the county or for a city, town or village therein, shall have all the powers and may perform all the duties of the Police Magistrate so ill or absent.

Rev. Stat., c. 90,
s. 3, amended.

9. Section 3 of *The Ontario Summary Convictions Act* is amended by inserting after the word "void" in the sixth line the words "nor shall the right to collect any fine or enforce any penalty under any such conviction or order be impaired."

Rev. Stat., c. 90,
s. 8, amended.

10. Section 8 of *The Ontario Summary Convictions Act* is amended by adding thereto the following subsection:

(2) Except in cases arising in a county town, where an appeal lies to the General Sessions of the Peace as aforesaid, the appeal shall be to the Division Court of the Division of the county in which the cause of the information or complaint arose, except in cases where the conviction adjudges imprisonment only. When the appeal is to the Division Court either party to the appeal may, on payment of the postage for forwarding and returning the same, require the clerk of the peace on *præcipe* to transmit all documents in the case to the clerk of the proper Division Court for the purpose of such appeal. (See 4 and 5 Edw. VII., c. 10, Dom.)

Appeals from summary convictions.

11. Section 5 of *The Act respecting the Fees of Officers Engaged in the Administration of Justice* is amended by adding thereto the following words "Provided however that where a levy has not been necessary the allowance to the sheriff shall be \$2 on every \$100 of the amount received by him in respect of any such fine or recognizance."

Rev. Stat. c. 101, s. 5 amended.

12. Section 12 of *The Act respecting the Fees of Officers Engaged in the Administration of Justice* is amended by striking out the words "the warden" where they occur in the said section and substituting therefor the words "the County Judge."

Rev. Stat. c. 101, s. 12 amended.

13. Subsection 1 of section 2 of *The Trustee Investment Act* is amended by inserting the words "in the Provinces of Ontario and Manitoba" after the words "fee simple" in the sixth line of said subsection, and subsection 2 of section 1 of said Act is amended by adding at the end of said subsection the words "*and shall be construed so as to cover investments already made in the Province of Manitoba.*"

Rev. Stat. c. 130, s. 2 amended.

14. Section 30 of *The Marriage Act* is amended by adding thereto the following proviso:

Rev. Stat. c. 162, s. 30 amended.

Provided further that in case any marriage has heretofore been or shall hereafter be solemnized between two persons, and they or either of them may have been or shall be at the time of the issue of the license or certificate for such marriage under the age of 18 years and the consent required by section 15 of this Act has not been or shall not be obtained and the parties have not or shall not after the solemnization of such marriage have cohabited and lived together as man and wife, such marriage may be declared null and void *ab initio* by the High Court of Justice in an action brought by either party to such marriage who may have been or shall be under the age of 18 years at the time of the issue of such license or certificate, such action nevertheless to be brought before such party shall have attained the age of 22 years.

Proviso as to marriages of persons under 18 years of age.

Rev. Stat. c.
247, s. 1,
amended.

16. Section 1 of *The Act to prevent Minors from frequenting Billiard Rooms and other places* is amended by striking out the word "sixteen" at the end of the said section and substituting therefor the word "eighteen."

Rev. Stat.
c. 275, s. 11 (2)
amended.

17. Subsection 2 of section 11 of *The Act respecting the Investigation of Fires* is amended by striking out the words "in writing" in the 2nd line of the said subsection.

Powers of fire
coroners as to
investigating
cases of cattle
poisoning.

18. The Provincial Coroners appointed under *The Act respecting the Investigation of Fires* shall also have power to investigate cases of suspected poisoning of horses, cattle and other domestic animals, and for the purposes of any such investigation shall have all the powers and authority conferred by the said Act.

1 Edw. VII.
c. S. s. 15
repealed.

19. Subsection 6 added to section 54 of *The Act respecting Solicitors* by section 15 of *The Act to amend the Statute Law*, passed in the first year of the reign of His Majesty, chaptered 12, is repealed and the following substituted therefor:

Collection of
costs where
solicitor or
counsel paid a
salary.

(6) Where a solicitor or counsel whose remuneration is wholly or partly by salary, annual or otherwise, is paid by salary, the person or corporation employing such solicitor or counsel shall notwithstanding have the right to recover and collect lawful costs in all actions and proceedings in the same manner as if the solicitor or counsel were not receiving a salary where the costs are by the terms of his employment payable to the solicitor or counsel as part of his remuneration in addition to his salary. (See 3 (Edw. VII. chap. 19, sec. 320, subsec. 3.)

62 V. c. 7, s. 6,
repealed.

20. Section 6 of *The Act respecting Executions and Sheriffs*, passed in the 62nd year of the reign of Her late Majesty, chaptered 7, is hereby repealed and the following substituted therefor:

Fees of sheriff
when acting
under orders
of judge.

6. Where a sheriff is directed by the judge to perform any service or do any act for which no fee is provided, the sheriff may be allowed such fees as the judge may think adequate and may direct, and the same shall be payable by the county.

63 v. c. 109, s. 54
amended.

21. Section 54 of *The Act to Incorporate the Bracebridge and Trading Lake Railway Company* is amended by adding thereto the following words: "The time limited herein for commencing and completing the railway is extended until the first day of April, 1908."

Rev. Stat.
c. 83, sub-s. 4
(3 Edw. VII,
c. 7, s. 12)
amended.

22. Subsection 4 of section 83 of *The Surrogate Courts Act* as enacted by section 12 of *The Statute Law Amendment Act, 1903*, is amended by inserting the word "Middle-

sex" after the word "Carleton" where it occurs in the said subsection.

23. Where two or more persons perish in the same calamity so that it is impossible to determine which of them died first, the question of survivorship shall be determined according to the following rules: Determining question of survivorship.

(1) Where those who perished together were under fifteen years of age, the eldest shall be presumed to have survived. If all were above the age of 60, the youngest shall be presumed to have survived. If some were under the age of 15 and others over that of 60, the former shall be presumed to have survived. If some were under the age of 15 or over that of 60 and the others in the intermediate age, the latter shall be presumed to have survived.

(2) If those who perished together were all between the full ages of 15 and 60 and of the same sex, the youngest shall be presumed to have survived; but if they were of different sexes, the male in all cases shall be presumed to have survived. (See Quebec Civil Code, articles 603-605).

24. The proviso to section 591b of *The Consolidated Municipal Act, 1903*, as enacted by section 29 of *The Municipal Amendment Act, 1905*, and amended by section 32 of *The Municipal Amendment Act, 1906*, is further amended by striking out the figures "1906" in the 2nd and 7th lines thereof and substituting therefor the figures "1907," and by striking out the figures "1905" in the 3rd line and substituting therefor the figures "1906." 3 Edw. VII., c. 19, s. 591b, amended.

25.—(1) Section 28 of *The Public Health Act* is amended by inserting after the word "shall" in the second line, the words "without the consent of the Provincial Board of Health." Rev. Stat., c. 248, s. 28, amended.

(2) Section 4 of the said Act is amended by striking out from thereof the words following the words "Lieutenant-Governor in Council" in the second line thereof. Rev. Stat., c. 248, s. 4, amended.

(3) Section 7 of the said Act is repealed. Rev. Stat., c. 248, s. 7, repealed.

26. Subsection 1 (a) of section 2 of *The Act respecting Inn Keepers*, added thereto by section 44 of *The Statute Law Amendment Act, 1904*, is amended by adding thereto the words following: "and may enforce such lien by sale in the manner and subject to the conditions prescribed in subsection 2 hereof."

27. Subsection 2 of section 75 of *The Municipal Drainage Act*, as enacted by section 9 of the Act passed in the 6th year of His Majesty's reign, Chaptered 37, is amended Rev. Stat., c. 26, s. 75, sub-s. 2, amended.

by adding thereto the following words: "Provided, however, that nothing in this subsection contained shall affect or apply to any action, (litigation or other proceeding commenced or taken and pending on or before the 14th day of May, 1906, but the same may be proceeded with and finally adjudicated upon in the same manner as though this subsection had not been passed."

42 V., c. 41,
s. 4, amended

28. Section 11 of *The Act to incorporate the City of Guelph*, passed in the forty-second year of the reign of Her late Majesty, Chaptered 41, is amended by striking out all the words after the word "more" in the twelfth line of the said section.

62 V., (2) c. 35,
s. 4, amended.

29. Section 4 of *The San Jose Scale Act*, as amended by section 1 of Chapter 37 of the Acts passed in the second year of His Majesty's reign, is amended by adding thereto the following subsection:—

San Jose scale
inspector may
give notice to
owner and in
default may
collect cost of
work.

(2a). Upon the report of the inspector to the council that there is scale upon the trees or shrubs situated upon any lot within the municipality, the council may direct that notice be given personally by the inspector or be sent by registered letter to the owner or occupant of the said lot to have the plants forthwith sprayed, and in case the same are not sprayed within ten days, the inspector may have the spraying done and the cost of same may be charged against the said lot and be collected as a special tax in addition to the regular taxes assessed by the said municipal council against the said lot.

Rev. Stat.,
c. 194, s. 1,
amended.

30. Section 1 of *The Timber Slide Companies Act*, is amended by adding thereto as subsection 2 the following:—

30

Application
Act.

(2) This Act shall apply to all companies heretofore or hereafter incorporated under any general or special Act for the purpose of acquiring or constructing and maintaining any dam, slide, pier, boom or other work necessary to facilitate the transmission of timber down any river or stream in this Province, or for the purpose of blasting rocks, or dredging or removing shoals or other impediments, or of otherwise improving the navigation of such river or stream for the said purpose.

Rev. Stat., c.
194, amended.

31. *An Act respecting Joint Stock Companies for the Construction of Piers, Wharfs, Dry Docks and Harbours* is amended by inserting at the commencement thereof the following section:—

Application of
Act.

(a) This Act shall apply to every company heretofore or hereafter incorporated for the purpose of constructing a

pier or wharf or for dredging or deepening or making a harbour, or for the erection of a dry dock and marine railway connected therewith.

32. *An Act respecting Joint Stock Companies for the Erection of Exhibition Buildings*, is amended by adding thereto as section 1 thereof: Rev. Stat. c. 196, amended.

1. This Act shall apply to every company heretofore or hereafter incorporated for the purpose of purchasing and holding lands and erecting suitable buildings thereon for the holding of periodical fairs or exhibitions for agricultural purposes. Application of Act.

33. *An Act respecting Joint Stock Companies for Supplying Cities, Towns and Villages with Gas and Water*, is amended by adding thereto as section 1 thereof the following:— Rev. Stat., c. 199, amended.

1. This Act shall apply to every company heretofore or hereafter incorporated for the purpose of supplying any city, town, incorporated village, township or other municipality with gas or water or with both gas and water. Application of Act.

34. *An Act respecting Companies for Supplying Steam, Heat, Electricity, or Natural Gas for Heat, Light or Power* is amended by adding thereto as section 1 thereof the following: Rev. Stat., c. 210, amended.

1. This Act shall apply to any company heretofore or hereafter incorporated for supplying steam, hot air, or hot water for power and for heating purposes, or for supplying electricity or natural gas for the purposes of light, heat or power, in any city, town, incorporated village, township or other municipality. Application of Act.

35. *An Act respecting Cemetery Companies*, is amended by adding thereto as section 1 the following:— Rev. amended. 213.

1. This Act shall apply to every company heretofore or hereafter incorporated for the purpose of establishing one or more public cemeteries. Application of Act.

36. *An Act to provide for the Incorporation of Co-operative Cold Storage Associations*, is amended by striking out of the fourth, fifth, sixth and seventh lines the following words: "incorporated under this Act or to an association or company for the manufacture of cheese or butter incorporated under *An Act respecting Cheese and Butter Manufacturing Associations and Companies*," and substituting in lieu thereof the words "or company for the manufacture of cheese and butter." 66 V. c. 26, amended.

Commence-
ment of sec-
tions 30-36.

37. The next preceding seven sections of this Act shall come into operation on the first day of July, 1907.

Return of
deposit made
by Montreal
River Pulp and
Paper Co.

38. The Lieutenant-Governor in Council may on such terms and conditions as he deems satisfactory authorize the return to the Montreal River Pulp and Paper Company 5 Limited of the sum of \$20,000 being the amount of security deposited in connection with a certain agreement bearing date the 3rd day of March, 1902, the same having been cancelled by Order in Council of 19th January, 1896. See 62 Vict. (2) c. 11, s. 28.

10

6 Edw. VII.
c. 19, s. 41,
amended.

39. Section 41 of *The Statute Law Amendment Act, 1906*, is repealed.

3rd Session, 11th Legislature,
7 Edward VII., 1907.

BILL.

The Statute Law Amendment Act, 1907.

First Reading, 22nd March, 1907.
Second Reading, 25th March, 1907.

Mr. Foy.

TORONTO:

PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

The Statute Law Amendment Act, 1907.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 4 of *The Act respecting the Fees of Certain Public Officers* is repealed and the following substituted therefor: Rev. Stat., c. 18 s. 4, repealed.

4.—(1) Every Division Court Clerk shall be entitled to retain to his own use in each year all the fees and emoluments earned by him in that year up to \$2,000. Fees which are to be retained by Division Court Clerks for their own use.

(2) Of the fees and emoluments earned by any Division Court Clerk in each year he shall pay to the Provincial Treasurer a percentage of 20 per cent. on the excess over \$2,000.

2. Subsection 3a added to section 144 of *The Judicature Act* by section 9 of chapter 17 of the Acts passed in the 63rd year of the reign of Her late Majesty is amended by striking out the words "having a population of over 100,000" in the third line of the said subsection. Rev. Stat., c. 51, s. 144, amended.

3. Sections 9 and 10 of *The Surrogate Courts Act* are hereby repealed and the following is substituted for the said section 9: Rev. Stat., c. 59, ss. 9 and 10, repealed.

9. The Lieutenant-Governor may from time to time appoint a registrar of the Surrogate Court in every county

4. *The Act respecting the Qualification and Appointment of Justices of the Peace* is amended by adding thereto the following as section 26: Rev. Stat., c. 86 amended.

26. A Justice of the Peace shall have the right, unless another suitable place is provided by the municipality, to use the town hall of any municipality which has no police magistrate for the hearing of cases brought before him, but not so as to interfere with its ordinary use. Use of town hall.

Rev. Stat., c. 87 amended. **15-5.** *The Act respecting Police Magistrates* is amended by adding thereto the following section: **15**

Provision for absence or illness of police magistrate. **15-39.** In case of the illness or absence from the county of a police magistrate, any other police magistrate within the county, whether appointed for the county or for a city, town or village therein, shall have all the powers and may perform all the duties of the police magistrate during such illness or absence, and shall also have jurisdiction and power to continue and complete any proceeding begun before him, notwithstanding that the first mentioned police magistrate may in the meantime have recovered or returned. **15**

Rev. Stat., c. 90, s. 3, amended. **15-6.**—(1) Section 3 of *The Ontario Summary Convictions Act* is amended by inserting after the word "void" in the sixth line the words "nor shall the right to collect any fine or costs or to enforce any penalty under any such conviction or order be impaired." **15**

Rev. Stat., c. 90, s. 7, amended. **15-2** (2) Section 7 of *The Ontario Summary Convictions Act* is amended by adding after the word "therefrom" in the last line thereof the words "where the conviction or order adjudges imprisonment only, to the General Sessions of the Peace, and in all other cases to the Division Court of the Division in which the cause of the information or complaint arose." **15**

Rev. Stat., c. 90, s. 8, amended. **15-3** (3) Section 8 of the said Act is amended by adding after the word "Peace" in the second and eleventh lines thereof the words "or to a Division Court." (See Criminal Code, sec. 749.) **15**

Rev. Stat., c. 90, s. 8, amended. **15-4** (4) Section 8 of the said Act is also amended by adding the following as subsection 2: **15**

Appeals from summary convictions. **15-2** (2) Where the appeal is to the Division Court either party to the appeal may, on payment of the postage for forwarding and returning the same, require the Clerk of the Peace on *præcipe* to transmit all papers and proceedings in the case to the clerk of the proper Division Court for the purpose of such appeal. **15**

Rev. Stat. c. 101, s. 5 amended. **15-7.** *The Act respecting the Fees of Officers engaged in the Administration of Justice* is amended by adding the following as section 15: **15**

15-15. Where a levy has not been made in respect of a fine or recognizance, the sheriff shall be entitled to an allowance at the rate of \$2.00 for every \$100.00 of the amount received by him in lieu of the allowance to the sheriff provided by item 26 of the sheriff's fees in the schedule to the Act. **15**

8. *The Marriage Act* is amended by adding the following as section 31:—

31.—(1.) In case a form of marriage shall be gone through between two persons either of whom is under the age of 18 years without the consent required by Section 15 of this Act, the High Court of Justice shall have jurisdiction and power, notwithstanding that a license or certificate was granted and that the ceremony was performed by a person authorized by law to solemnize marriage, in an action brought by either party who was at the time of the ceremony under the age of 18 years, to declare and adjudge that a valid marriage was not effected or entered into.

Provided that such persons have not after the ceremony cohabited and lived together as man and wife and that such action shall be brought before the person bringing it has obtained the age of 19 years.

(2) The High Court of Justice shall have the like jurisdiction and power where the form of marriage has been gone through before the passing of this Act under the like circumstances and subject to the same conditions as are mentioned in subsection 1.

(3) Nothing herein contained shall affect the excepted cases mentioned in Section 16 of this Act or apply where after the ceremony there has occurred that which if a valid marriage had taken place would have been a consummation of the marriage.

(4) The High Court of Justice shall not be bound to grant relief in the cases provided for by this Section where carnal intercourse has taken place between the parties before the ceremony.

9. Section 1 of *The Act to prevent Minors from frequenting Billiard Rooms and other places* is amended by striking out the word "sixteen" at the end of the said section and substituting therefor the word "eighteen." Rev. Stat. c. 247, s. 1, amended.

10. Subsection 2 of section 11 of *The Act respecting the Investigation of Fires* is amended by striking out the words "in writing" in the 2nd line of the said subsection. Rev. Stat. c. 275, s. 11 (2) amended.

11. A Provincial Coroner appointed under *The Act respecting the Investigation of Fires* shall have power to investigate cases of maiming or suspected poisoning of horses, cattle and other domestic animals, and for the purposes of any such investigation shall have all the power and authority conferred by the said Act. Powers of fire coroners as to investigating cases of cattle poisoning.

12. Subsection 6 added to section 54 of *The Act respecting Solicitors* by section 15 of *The Act to amend the Statute Law*, passed in the first year of the reign of His Majesty, chaptered 12, is repealed. 1 Edw. VII. c. 8, s. 15 repealed.

Collection of costs where solicitor or counsel paid a salary.

13. Where the remuneration of a solicitor or counsel employed by a corporation is wholly or partly paid by salary, the corporation employing such solicitor or counsel shall notwithstanding have the right to recover and collect lawful costs in all actions and proceedings in the same manner as if the solicitor or counsel were not receiving a salary where the costs are by the terms of his employment payable to the solicitor or counsel as part of his remuneration in addition to his salary. (See 3 Edw. VII. chap. 19, sec. 320, subsec. 3.)

63 v. c. 109, s. 54 amended.

14. Section 54 of *The Act to Incorporate the Bracebridge and Trading Lake Railway Company* is amended by adding thereto the following words: "The time limited herein for commencing and completing the railway is extended until the first day of April, 1908."

Rev. Stat. c. 83, sub-s. 4 (3 Edw. VII, c. 7, s. 12) amended.

15. Subsection 4 of section 83 of *The Surrogate Courts Act* as enacted by section 12 of *The Statute Law Amendment Act, 1903*, is amended by inserting the word "Middlesex" after the word "Carleton" where it occurs in the said subsection.

3 Edw. VII., c. 19, s. 591b, amended.

16. The proviso to section 591b of *The Consolidated Municipal Act, 1903*, as enacted by section 29 of *The Municipal Amendment Act, 1905*, as subsequently amended, is hereby repealed and the following substituted therefor:—

Provided that in the case of any municipality in which taxes for the year 1907 will be levied upon an assessment made in the year 1906, the municipal council may, by a two-thirds vote of the members thereof, continue any such exemptions heretofore granted so as to apply to and include taxes to be levied in the year 1907.—

4Edw.VII.,c.10, s. 44, amended.

17. Subsection 1 (a) of section 2 of *The Act respecting Inn Keepers*, added thereto by section 44 of *The Statute Law Amendment Act, 1904*, is amended by adding thereto the words following: "and may enforce such lien by sale in the manner and subject to the conditions prescribed in subsection 2 hereof."

42 V., c. 41, s. 4., amended

18. Section 11 of *The Act to incorporate the City of Guelph*, passed in the forty-second year of the reign of Her late Majesty, Chaptered 41, is amended by striking out all the words after the word "more" in the twelfth line of the said section.

62 V. (2) c. 35, s. 4, amended.

19. Section 4 of *The San Jose Scale Act*, as amended by section 1 of Chapter 37 of the Acts passed in the second year of His Majesty's reign, is amended by adding thereto the following subsection:—

(2a) Upon the report of the inspector to the council that there is scale upon the trees or shrubs on any lot within the municipality the council may direct that notice be given personally by the inspector or by being sent by registered letter to the owner or occupant of the lot to have the trees or shrubs forthwith sprayed, and in case the same are not sprayed within ten days, the inspector may cause the spraying to be done and the cost of same shall be charged on the lot and be collected as a special tax in addition to the other taxes imposed by the municipal council on the lot. San Jose scale inspector may give notice to owner and in default may collect cost of work.

20. Section 1 of *The Timber Slide Companies Act* is amended by adding thereto as subsection 2 the following:— Rev. Stat., c. 194, s. 1, amended.

(2) This Act shall apply to every company heretofore or hereafter incorporated for the purpose of acquiring or constructing and maintaining any dam, slide, pier, boom or other work necessary to facilitate the transmission of timber down any river or stream in *Ontario*, or for the purpose of blasting rocks, or dredging or removing shoals or other impediments, or of otherwise improving the navigation of such river or stream for the said purpose. Application Act.

21. *An Act respecting Joint Stock Companies for the Construction of Piers, Wharfs, Dry Docks and Harbours* is amended by inserting at the commencement thereof the following section:— Rev. Stat., c. 195, amended.

(a) This Act shall apply to every company heretofore or hereafter incorporated for the purpose of constructing a pier or wharf or for dredging or deepening or making a harbour, or for the erection of a dry dock and marine railway connected therewith. Application of Act.

22. *An Act respecting Joint Stock Companies for the Erection of Exhibition Buildings*, is amended by adding thereto as section 1 thereof: Rev. Stat., c. 196, amended.

1. This Act shall apply to every company heretofore or hereafter incorporated for the purpose of purchasing and holding lands and erecting suitable buildings thereon for the holding of periodical fairs or exhibitions for agricultural purposes. Application of Act.

23. *An Act respecting Joint Stock Companies for Supplying Cities, Towns and Villages with Gas and Water*, is amended by adding thereto as section 1 thereof the following:— Rev. Stat., c. 199, amended.

1. This Act shall apply to every company heretofore or hereafter incorporated for the purpose of supplying any municipality with gas or water or with both. Application of Act.

Rev. Stat., c.
200, amended.

24. *An Act respecting Companies for Supplying Steam, Heat, Electricity, or Natural Gas for Heat, Light or Power* is amended by adding thereto as section 1 thereof the following:

Application of
Act.

1. This Act shall apply to every company heretofore or hereafter incorporated for supplying steam, hot air, or hot water for power and for heating purposes, or for supplying electricity or natural gas for the purposes of light, heat or power, in any municipality.

Rev. Stat. c.
213, amended.

25. *An Act respecting Cemetery Companies*, is amended by adding thereto as section 1 the following:—

Application of
Act.

1. This Act shall apply to every company heretofore or hereafter incorporated for the purpose of establishing public cemeteries.

63 V., c. 26,
amended.

26. *An Act to provide for the Incorporation of Co-operative Cold Storage Associations*, is amended by striking out of the fourth, fifth, sixth and seventh lines of section 1 the following words: "incorporated under this Act or to an association or company for the manufacture of cheese or butter incorporated under *An Act respecting Cheese and Butter Manufacturing Associations and Companies*," and substituting in lieu thereof the words "or company for the manufacture of cheese and butter."

Commence-
ment of sec-
tions 20-26.

27. The next preceding seven sections of this Act shall come into operation on the first day of July, 1907.

Return of
deposit made
by Montreal
River Pulp and
Paper Co.

28. The Lieutenant-Governor in Council may on such terms and conditions as he deems satisfactory authorize the return to the Montreal River Pulp and Paper Company Limited of the sum of \$20,000 being the amount of security deposited in connection with a certain agreement bearing date the 3rd day of March, 1902, the same having been cancelled by Order in Council of 19th January, 1906. See 62 Vict. (2) c. 11, s. 28.

6 Edw. VII.
c. 19, s. 41,
repealed.

~~18~~ 29. Section 41 of *The Statute Law Amendment Act, 1906*, is repealed and the corporation of the County of Middlesex shall not have any right to receive from the Province the moneys mentioned in subsection 4 of the said section. —

4 Edw. VII.
c. 38, s. 1,
amended.

~~18~~ 30. Section 1 of *An Act to amend The Charity Aid Act*, passed in the 4th year of His Majesty's reign, Chaptered 38, is hereby amended by striking out the figures "3.50" from the last line thereof and inserting in lieu thereof the figures "4.90." —

6 Edw. VII.,
c. 42, s. 1,
amended.

~~18~~ 31. Section 1 of the Act passed in the 6th year of His Majesty's reign, Chaptered 42, is amended by striking out the word "of" in the fifth line thereof and inserting in lieu thereof the word "for." —

16-32. The Lieutenant-Governor in Council may by order in Council empower the Judge of a County Court of any county to transact at such place out of his county to be named in the Order in Council as may be deemed proper, all such business depending in his Court as may be transacted in Chambers where the solicitors for all parties reside in the place so named or with the consent of the solicitors for all parties. ❧

16-33. Section 6 of the Act passed in the 6th year of His Majesty's reign, Chaptered 132, is amended by striking out the figures "1907" in the third line thereof and substituting therefor the figures "1908," and by striking out the figures "1908" in the sixth and eight lines thereof and substituting therefor the figures "1909," but this enactment shall not come into force or have effect until an Order of the Lieutenant-Governor in Council shall have been passed declaring the same to be in force. ❧

6 Edw. VII.
c. 132, s. 6
amended.

16-34. Section 60 of *The Mines Act* is repealed, and sections 13 and 20 of the Act passed during the present session to amend said Act are amended by substituting for the words "general inspection" wherever they occur in said sections the words "complete inspection." The amendments made by this section shall be incorporated in the said last mentioned Act. ❧

6 Edw. VII.,
c. 11, s. 60
repealed.

16-35. Subsection 1 of section 10 of *The Act to Encourage the Destroying of Wolves* as enacted by section 33 of *The Statute Law Amendment Act, 1906*, is repealed and the following subsection substituted therefor: ❧

16-10.—(1) Whenever the Provincial Treasurer is satisfied that the person killing a wolf is properly entitled to receive the bounty he may direct payment thereof notwithstanding that the person taking the affidavit and certifying the fact of the wolf being killed is not a resident of the district in which the wolf was killed; provided such affidavit is taken before and the certificate given by some person authorized by the Act to give certificates or by some person authorized to administer oaths for use in the Superior or other Courts of the Province. ❧

16-36. Notwithstanding anything contained in section 68 of *The Statute Law Amendment Act, 1904*, those portions of the highway known as the Ingersoll and Port Burwell Gravel Road and the Tillsonburg and Courtland Gravel Road, respectively, purchased by the Corporation of the County of Oxford as set forth in the Act passed in the fourth year of His Majesty's reign, Chaptered 60, and the schedules thereto, which lie within the Township of Middleton in the County of Norfolk, are hereby vested in and shall be hereafter maintained and kept in repair by the corporation of the said township. ❧

37. Subsection 1 of section 2 of *The Algoma Land Tax Amendment Act, 1903*, is amended by inserting after the word "Act" in the eighteenth line thereof the words "and up to the first day of January in the year 1907." 

38. Section 9 of *The Statute Law Amendment Act, 1906*, is amended by striking out the figures "1906" in the last line thereof and substituting therefor the figures "1908." 

39. The Provincial Treasurer is authorized to remit the interest accrued on all taxes imposed and now owing up to the first day of January, 1907, under the authority of Chapter 26 of the Revised Statutes of Ontario, 1897, being *An Act respecting the Taxation of Patented Lands in Algoma, Manitoulin, Thunder Bay and Rainy River*; provided that the principal money owing is paid on or before the 31st day of December, 1907. 

No. 208.

3rd Session, 11th Legislature,
7 Edward VII., 1907.

BILL.

The Statute Law Amendment Act, 1907.

First Reading, 22nd March, 1907.
Second Reading, 25th March, 1907.

*(Reprinted as amended by Committee of
the Whole House.)*

Mr. FOY.

TORONTO:

PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

An Act respecting a certain Agreement between the University of Toronto and the Corporation of the City of Toronto.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Subject to the provisions of section 2 of this Act, every
 5 dispute as to any of the matters mentioned in paragraph 2
 or in clause 1 of paragraph 9 of the agreement, set forth in
 the Schedule to the Act passed in the fifty-second year of the
 reign of Her late Majesty Queen Victoria, Chaptered 53, and
 intituled *An Act validating a certain Agreement between*
 10 *the University of Toronto and the Corporation of the City*
of Toronto, instead of being settled in the manner provided
 by the said paragraphs, shall be settled by a single arbitra-
 tor, to be appointed by agreement between the parties con-
 cerned, and in the event of failure thereof, then by two ar-
 15 bitrators, one to be appointed by each party, who may ap-
 point a third arbitrator, and except as provided by section 2
 of this Act, the proceedings in and in relation to any arbi-
 tration under the provisions of the said clause shall be had
 and taken in accordance with and be governed by the pro-
 20 visions of *The Arbitration Act*.

Settlement of
of disputes
between City
and University.

2. The provisions of sections 4 to 11 inclusive of *The Mu-*
nicipal Arbitrations Act shall apply *mutatis mutandis* to
 every such arbitration and to every award made therein.

Rev. Stat.
c. 227, ss. 4—11,
to apply.

3. Paragraph 2 and clause 1 of paragraph 9 of the said
 25 agreement shall be read as if the provision for arbitration
 therein contained had been that which is prescribed by this
 Act.

Construction of
provisions of
agreement as to
arbitration.

No. 209.

3rd Session, 11th Legislature,
7 Edward VII., 1907.

BILL.

An Act respecting a certain Agreement
between the University of Toronto and
the Corporation of the City of Toronto.

First Reading, 25th March, 1907.

Mr. WHITNEY.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

An Act to amend The Act respecting Investments by
Trustees.

HIS MAJESTY, by and with the advice and consent of
the Legislative Assembly of the Province of Ontario,
enacts as follows:—

1. Section 5 (1) of Chapter 130 of the Revised Statutes of
5 Ontario, 1897, is hereby amended to read as follows:—

Rev. Stat., 130.
s. 5, subs. 1.
amended.

It shall be lawful for a trustee unless expressly for-
bidden by the instrument (if any) creating the trust, to
deposit with or to invest any trust funds in his hands in
terminable debentures or debenture stock of the hereinafter
10 mentioned societies and companies, provided that such de-
posit or investment is in other respects reasonable and pro-
per, and that the debentures are registered and are trans-
ferable only on the books of the society or company in his
name as the trustee for the particular trust estate for which
15 they are held in such debentures or debenture stock as afore-
said, and that the deposit account in the company's ledger is
in the name of the trustee for the particular trust estate for
which it is held and the deposit receipt or pass-book is not
transferable by endorsement or otherwise.

Investments in
terminable
debentures in
certain
companies.

No. 210.

3rd Session, 11th Legislature,
7 Edward VII., 1907.

BILL.

An Act to amend The Act respecting In-
vestments by Trustees.

First Reading, 25th March, 1907

Mr. McNAUGHT.

TORONTO:

PRINTED BY L. K. CAMERON,

Printer to the King's Most Excellent Majesty.

An Act to amend *The Public Schools Act*.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 6 of *The Public Schools Act* is amended as follows:—By adding thereto the following, as subsection 2: 1 Edw. VII., c. 39, s. 6, amended.

(2) Every corporation, society, agent or person having the custody of any child heretofore or hereafter brought into the Province of Ontario, shall be entitled to send such child to the Public or Separate School of the municipality or school section in which the child resides, as if he were the child of a ratepayer in such municipality or school section; and every such corporation, society, agent or person having the custody of such child shall be subject to the Acts respecting truancy and compulsory attendance at school, and to the penalties imposed by such Acts in the same manner and to the same extent as any ratepayer. Right of immigrant children to attend schools.

2. Section 8 of the said Act is amended by adding thereto the following as subsection 7:— 1 Edw. VII., c. 39, s. 8, amended.

(7) Where the Board of Trustees of a union school section establishes continuation classes in their school, or joins with one or more other Boards of Trustees in establishing such classes as hereinbefore provided, the Municipal Council of each municipality having the whole or part of its territory within the union school section shall levy and collect upon the taxable property of such union school section within its jurisdiction, its proper share of the expense of establishing and maintaining the said continuation classes according to the equalized assessment of each portion of Continuation classes—rate to be levied for.

the said union school section in the respective municipalities.

1 Edw. VII.,
c. 39, s. 21,
amended.

3. Section 21 of the said Act is amended by adding at the end thereof the following :

“ And the Township Council shall pay to the trustees of
“ such rural school section their actual disburse- 5
“ ments for the maintenance of their pupils at,
“ and the transportation of their pupils to and
“ from the school they attend, not exceeding the
“ minimum sum required by subsections 2, 3 and 10
“ 4 of section 70 of this Act, to be levied, collected
“ and applied to teachers' salaries in school sec-
“ tions where schools are maintained.”

The said trustees shall also be entitled to receive such
share of the legislative and county grants as 15
may be determined by the Minister of Education
in case the amount received from the Township
Council is not sufficient to cover the said actual
disbursements.

1 Edw. VII.,
c. 39, s. 25,
subsection 5,
amended.

4. Subsection 5 of section 25 of the said Act is amended by 20
adding at the end thereof the words :

“ and may at any time after their election take the
proper steps in accordance with the provisions of
this Act, to raise funds for and purchase a school
site and erect school buildings.” 25

1 Edw. VII.,
c. 39, s. 41,
amended.

5. Section 41 of the said Act is amended by inserting after
the word “ years ” in the fifth line of paragraph 3 of the said
section the words :

“ except a by-law to consolidate two or more sections for
the purpose of providing a central school which 30
shall, unless set aside as aforesaid, remain in force
for a period of at least three years,” and

By inserting after the word “ effect ” in the second line of
paragraph 3 of section 41, the words “ except as herein other-
wise provided.” 35

1 Edw. VII.,
c. 39, s. 42,
subsection 3,
amended.

6. Subsection 3 of section 42 is amended by inserting the
words “ except as herein otherwise provided ” after the word
“ effect ” in the ninth line.

1 Edw. VII.,
c. 39, s. 42,
amended.

7. Section 42 of the said Act is amended by adding thereto
the following as subsection 6 : 40

Appeals as to
alteration of
school
boundaries
in districts.

(6) In any judicial or territorial district the appeal shall
be to a Board of three arbitrators, which shall be
composed of the Senior District Judge, or some

person appointed by him for that purpose, the Public School Inspector and some person appointed by the Township Council. The notice of appeal shall be given to the Clerk of the township, the Public School Inspector, and the said Senior District Judge. The Township Council at its first meeting after service of such notice upon the Township Clerk, shall appoint an arbitrator to be a member of the said Board, and the Clerk of the township shall forthwith notify the Public School Inspector of such appointment.

The said Senior District Judge shall, upon receipt of the notice of appeal notify the Public School Inspector of his willingness to act as arbitrator as aforesaid, or shall appoint some person to act in his stead, and notify the Public School Inspector of such appointment.

When the Board of Arbitrators is complete the Senior District Judge, or his said appointee, shall convene first meeting of the Board, and shall be chairman thereof. All the provisions of the preceding subsections of this section shall, so far as they are applicable, be binding upon the said Board of Arbitrators and upon all parties concerned.

25. 8. Subsection 4 of section 45 of the said Act as enacted by 1 Edw. VII., c. 39, s. 45, 6 Edw. VII. c. 53, s. 29, amended. section 29 of the Acts passed in the 6th year of His Majesty's reign, Chaptered 53, is amended by adding the following paragraph :—

30 " Provided, however, that if such question arises touching
 " any arbitration or award to which the County
 " or District Judge has been a party, the said
 " summary application shall be heard and deter-
 " mined by the Judge of the adjoining County or
 " District having the largest population according
 35 " to the last Dominion census."

9. Subsection 10 of section 46 of *The Public Schools Act* 1 Edw. VII., c. 39, s. 46, subs. 10, amended. is amended by inserting after the word " effect " in the first line the words " except as herein otherwise provided," and by adding at the end of the said subsection the words " but the Trustees
 40 may at any time after their election take the proper steps in accordance with the provisions of this Act to raise funds for and purchase a school site and erect school buildings.

10. Subsection 5 of section 65 of the said Act is amended by adding thereto the following :— 1 Edw. VII., c. 39, s. 65, subs. 5, amended.

45 " In any of the districts subject to an appeal to the Minister of Education, the Public School Inspector
 " may determine the length of time, which shall

"not be less than six months, during which a school shall be maintained each year, and it shall be the duty of the trustees to maintain such school during the whole of the time so determined."

5

1 Edw. VII.,
c. 39, s. 65,
amended.

11. Section 65 is amended by adding thereto the following as paragraphs 14, 15 and 16:

Duties and
powers of
Trustees.

(14) To provide and pay for such dental and medical inspection of the pupils as the regulations of the Department of Education may prescribe. 10

(15) To permit the school house and premises to be used for any educational or other lawful purpose which, in their discretion, they think proper, providing the proper conduct of the school is not interfered with. 15

(16) To establish, conduct and maintain free evening lectures to the citizens at large, and in such case to include in their estimate for the current year the expense thereof which shall be treated as part of the expenses of the school or schools under 20 their charge.

1 Edw. VII.,
c. 39, s. 69,
repealed.

12. Section 69 of the said Act is repealed and the following substituted therefor:—

Grant for
encourage-
ment of physi-
cal training.

69 (1) Every Urban School Board shall have power to expend such sums as they may deem expedient in 25 promoting and encouraging gymnastics and other athletic exercises provided such sums shall not exceed two hundred dollars per annum when the annual registered attendance of pupils does not exceed 3,000 and \$50 additional for each addition- 30 al thousand in attendance.

(2) Such Board may also provide uniforms for classes in military drill.

(3) Where a Board of Education has been established in any city or town, the allowance for games to High 35 Schools and Public Schools may be consolidated, and games for the High Schools and Public Schools held on the same day.

1 Edw. VII. c.
39, s. 71, subs. 1,
amended.

13. Subsection 1 of section 71 is amended by adding thereto the following paragraphs:—

40

Annual
accounts.

"Every Municipal Council shall annually account for
"all monies collected under any rate for Public
"School purposes. In urban municipalities such
"accounts shall be rendered to the Board of Edu-

"cation or to the Board of School Trustees. In
 "rural municipalities the account for each school
 "section shall be rendered to the Secretary of the
 "school section.

5 "In case the Municipal Council at any time has collected
 "from the Public School supporters of any muni-
 "cipality or school section any sum in excess of
 "the sums disbursed on account of the Public
 10 "School or schools within such municipality or
 "school section, the sum so in excess shall be
 "credited to the Board of Education or the Board
 "of School Trustees on whose account such excess
 "has been collected."

14. Subsections 1, 2, 3, 4, 5 and 6 of section 70 of the said 1 Edw. VII. c. 39, s. 70, subs. 1, repealed.
 15 Act, as enacted by section 39 of the Act passed in the 6th
 year of His Majesty's reign, Chaptered 53 is repealed, and
 the following substituted therefor:—

70 (1) The Municipal Council of every organized county Amount to be raised by county for rural schools.
 shall levy and collect by an equal rate upon the
 20 taxable property of the Public School supporters
 of the whole county, (not included in urban
 municipalities or annexed to any urban muni-
 cipality for school purposes) according to the equal-
 25 ized assessments of the municipalities in the
 manner provided by this Act and the *Municipal
 and Assessment Acts*, a sum which shall be equal
 to at least that portion of the legislative grant
 which is apportioned by the Minister of Education
 30 on the basis of the equipment and accommoda-
 tions of the rural Public Schools of the county,
 and such sums shall be payable to the Trustees of
 the respective schools receiving such legislative
 grants in the same proportions as the said grants
 are apportioned.

35 (2) Where the assessed value according to the equalized
 assessments aforesaid, for the three next preceding
 years of all the taxable property of the Public
 School supporters in any township in an organ-
 40 ized county, is at least equal to an average annual
 assessment of \$30,000 for each Public School sec-
 tion therein the Municipal Council of such town-
 ship shall, each year, levy and collect by assessment
 upon the taxable property of the Public School
 supporters of the whole township (not included in
 45 urban municipalities or annexed to any urban
 municipality for school purposes) in the manner
 provided by this Act and the *Municipal and
 Assessment Acts*, the sum of \$300 at least for
 every Public School where the teacher or principal

teacher is engaged for a whole year exclusive of vacations, and a proportionate amount of such sum of \$300 at least where a teacher or principal teacher is engaged for six months or longer; and the additional sum of at least \$200 for every 5 assistant teacher engaged for a whole year exclusive of vacations, and a proportionate amount of such sum of \$200 at least for every assistant teacher engaged for 6 months or longer.

- (3) In every organized county where such assessed value, 10 according to the equalized assessments aforesaid for the three next preceding years, is less than an average annual assessment of \$30,000 for each Public School section in any township, and in every organized township in the territorial or 15 judicial districts, whatever its assessments may be, the Municipal Council of such township shall, each year, levy and collect as aforesaid the sum of \$150 at least for every Public School where a teacher or principal teacher is engaged for a whole 20 year exclusive of vacations, and a proportionate amount of said sum of \$150 at least where a teacher or principal teacher is engaged for 6 months or longer; and an additional sum of at least \$100 for every assistant teacher engaged for 25 a whole year exclusive of vacations, and a proportionate amount of such sum of \$100 at least where such assistant teacher is engaged for 6 months or longer.

- (4) The sums so levied and collected by the council of 30 the township shall be applied exclusively to teachers' salaries.

1 Edw. VII.,
c. 39, s. 70,
subs. 8.,
amended.

15. Subsection 8 of section 70 of *The Public Schools Act* is amended by inserting "and 3" after the figure '2' in the second line of the said subsection 8. 35

1 Edw. VII.,
c. 39, s. 70,
subs. 9,
amended.

16. Subsection 9 of the said section is amended by inserting after the word "ratepayers" in the fifth line, the words "and out of the legislative grant."

1 Edw. VII.,
c. 39, s. 70,
amended.

17. Section 70 is amended by adding thereto the following as a new subsection: 40

Status of
teachers in
Central
Schools.

- (3) Where two or more school sections are consolidated for the purpose of providing a central school, all the teachers in the said central school shall, for the purposes of this section, be deemed principal teachers unless their number is greater than the 45 number of sections consolidated, in which case the

number of teachers in excess of the number of school sections aforesaid shall, for the purposes of this section, be deemed assistant teachers.

18. Subsection 8 of section 80 is amended by inserting ^{1 Edw. VII.,}
5 after the word "disease" in the third line the words "Or subs. 8,
consumption." ^{amended.}

19. Subsection 3 of section 86 of the said Act as enacted by ^{1 Edw. VII.,}
section 46 of the said Act, passed in the 6th year of His ^{c. 39, s. 86,}
Majesty's reign, Chaptered 53, is amended, adding at the end ^{subs. 3,}
10 of the said subsection 3 the following paragraph:— ^{amended.}

15 In any county in which any Public School Inspector ^{Approval of}
has charge of less than 140 schools or departments ^{appointment}
with separate registers the appointment of an ^{of additional}
additional Inspector shall be subject to the ap- ^{inspector.}
proval of the Lieutenant-Governor in Council.

20. Subsection 8 of section 68 of *The Public Schools Act*, ^{1 Edw. VII.,}
as enacted by section 47 of the said Act, passed in the 6th ^{c. 39, s. 86,}
year of His Majesty's reign, is amended by inserting before ^{subs. 8,}
the word "postage" in the ninth line the word "printing." ^{amended.}

20 21. Subsection 6 of section 87 of *The Public Schools Act* ^{1 Edw. VII.,}
is amended by striking out the words "at his discretion" in ^{c. 39, s. 87,}
the first line and substituting therefor the words "subject to ^{amended.}
the approval of the Minister of Education."

3rd Session, 11th Legislature,
7 Edward VII., 1907.

BILL.

An Act to amend The Public Schools Act.

First Reading, 26th March, 1907.

Mr. PYNE.

TORONTO:

PRINTED BY L. K. CAMERON,

Printer to the King's Most Excellent Majesty.

An Act respecting the Qualifications of
Certain Teachers.

THIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Except as by this Act and by section 36 of *The Separate* Qualification of teachers in Roman Catholic Separate Schools. Rev. Stat. c. 294.
5 *Schools Act* otherwise provided, all members of Religious and Educational Communities hereafter appointed as teachers in the Roman Catholic Separate Schools shall possess the same qualifications as may be required from time to time in the case of Public School teachers.
- 10 2. On proof satisfactory to the Minister of Education the Department of Education may grant permanent professional certificates, valid in the Roman Catholic Separate Schools, to persons belonging to Religious and Educational Communities Granting permanent certificates to persons who have had seven years' experience in teaching. who, prior to the first day of July, 1907, have had not less
15 than seven years' experience in teaching, of which at least five years shall have been in Public or Roman Catholic Separate Schools in Ontario; provided that the professional competence of each such person shall, on or before the first day of July, 1907, have been attested by the Provincial In-
20 spector who last inspected his teaching, and that such person shall, on or before the 31st day of December, 1908, have completed to the satisfaction of the Minister of Education, at least one summer session of professional training of at least four weeks' duration, provided by the Department of Educa-
25 tion. Proviso.
3. On proof satisfactory to the Minister of Education, the Department of Education may grant Third Class Certificates Third-class certificates to persons who have had three years' experience in teaching. of qualification to persons belonging to Religious and Educational Communities who, prior to the first day of July, 1907,
30 have not had less than three years' experience in teaching in

Public or Roman Catholic Separate Schools of Ontario; provided that the professional competence of each such person shall, on or before the first day of July, 1907, have been attested by the Provincial Inspector who last inspected his teaching, and that each such person shall, on or before the 5 31st day of December, 1909, have obtained the academic standing prescribed for Third Class Certificates, and that each such person shall have completed, to the satisfaction of the Minister of Education, on or before the first day of September, 1909, the term of professional training prescribed for 10 teachers in training at a Model School, or one summer term of professional training, of at least four weeks' duration, provided by the Department of Education.

Second-class certificates may be granted to persons having five years' experience.

4. On proof satisfactory to the Minister of Education, the Department of Education may grant Second Class Certificates 15 of qualification to persons belonging to Educational or Religious Communities who, prior to first July, 1907, shall have taught at least five years in Public or Roman Catholic Separate Schools of Ontario, provided that the professional competence of each such person shall, on or before the first 20 day of July, 1907, have been attested by the Provincial Inspector who last inspected his teaching; provided also that each such person shall, on or before the 31st day of December, 1911, have obtained the academic standing prescribed for Second Class Certificates, and shall, on or before the first day 25 of September, 1911, have completed to the satisfaction of the Minister of Education, the term of professional training prescribed for teachers in training at a Normal School, or two summer terms of professional training of at least four weeks each, provided by the Department of Education. 30

Proviso.

Examinations required to be passed by other candidates for certificates.

5. Except in the cases hereinbefore mentioned, all other members of the Religious and Educational Communities now teaching in Roman Catholic Separate Schools, shall pass the same professional and academic examinations as may be prescribed from time to time for Public School teachers, and 35 shall undergo the same professional training and be granted certificates of qualification on the same terms as Public School teachers.

Time for completing examinations.

6. All such persons who are candidates for First Class Certificates of qualification shall complete the examinations 40 therefor on or before the 31st day of December, 1912, and those who are candidates for a lower grade of qualification shall complete the examinations therefor on or before the 31st day of December, 1910.

Time within which persons mentioned in sections 2, 3 and 4 must qualify.

7. Those persons whose cases are provided for in sections 2, 45 3 and 4 hereof, and who, on or before the first day of July, 1907, shall have submitted the evidence required under the said sections, and who shall have signified in writing to the

Minister of Education on or before the said date their intention to comply with the requirements in the said sections contained, as the case may be, shall, on the approval of the Minister of Education, be legally qualified teachers 5 for the Roman Catholic Separate Schools until the 31st day of December, 1908, or the 1st day of September, 1909, or the 1st day of September, 1911, as the case may be.

8. All persons whose cases are provided for in sections 5 and 6 of this Act, whose professional competency shall have 10 been attested on or before the first day of July, 1907, by the Provincial Inspector who last inspected their teaching, and who shall have signified in writing to the Minister of Education on or before the said date their intention to comply with the conditions set forth in sections 5 and 6 of this Act, shall 15 be legally qualified teachers for the Roman Catholic Separate Schools of Ontario until the 31st day of December, 1910, or the 31st day of December, 1912, as the case may be.

Other teachers may continue until time for examination expires.

9. The provisions made in sections 2, 5, 7, and 8 of this Act, shall also apply to Public Schools in which either Eng- 20 lish and French, or English and German are the languages of instruction, as provided for in the regulations of the Department of Education.

Application of Act to teachers in French and German Schools.

3rd Session, 11th Legislature,
7 Edward VII., 1907.

BILL.

An Act respecting the Qualifications of
certain Teachers.

First Reading, 26th March, 1907.

Mr. PYNE.

TORONTO:

PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

An Act for the Improvement of Public Highways

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The sum of \$1,000,000 is hereby set apart to be paid \$1,000,000 appropriated for road improvements. out of the Consolidated Revenue Fund of the Province to aid in the improvement of public highways subject to the terms and conditions hereinafter set forth. 1 Edw. VII. c. 32, s. 1.

2.—(1) The county council of any county may by by-law adopt a plan for the improvement of highways throughout the county by assuming or extending a system of county highways therein, and designating the highways to be assumed and improved and intended to form or be added to such system; and in case it may be impracticable to benefit all the townships in any county equitably by a system of county highways, such plan may provide for compensation to any township or townships which by reason of the location of such highways or of the unequal distribution of the expenditure thereon, may not benefit proportionately, by a grant of such specific amount or annual sum or both, to be expended in the improvement of the highways of such township or townships, as when so expended will make such plan equitable for the whole county. County by-law adopting system of road improvement.

(2) A plan adopted by the county council, under this section, may include the purchase of toll roads or freeing the same from toll. 1 Edw. VII., c. 32, s. 5. Plan may include abolition of toll roads.

(3) A county council may from time to time while carrying out a plan of road improvement under this Act, by by-law make grants to incorporated villages or towns not separated from the county for the purpose of improving such grants to incorporated villages and towns.

highways or portions of highways in such villages or towns as may be designated in such by-law, but no such highways shall by reason of such by-law or of the expenditure of any such grant thereon be deemed to have been assumed by the county or to form part of the county system of highways, and any grant made under this subsection and approved of by the Minister of Public Works, shall be deemed to form part of the expenditure in carrying out a plan of road improvement in such county so as to entitle the county to share in the aid granted by this Act. 3 Edw. VII., c. 26, s. 7. 5 10

Regulations of
Public Works
Department.

(4) Every highway constructed or repaired in pursuance of a plan adopted by by-law approved by the Lieutenant-Governor in Council under this Act shall be constructed or repaired according to the regulations of the Public Works Department with respect to highways. 1 Edw. VII., c. 32, s. 6. 15

By-law may
be submitted
to ratepayers.

(5) It shall not be necessary for the county council to submit to the ratepayers any by-law for the borrowing of money for the purposes of this Act, but before the final passing of a by-law under this Act the county council may submit the same for the approval of the majority of the ratepayers of the county qualified to vote on money by-laws, but a by-law so submitted may be thereafter amended by the council in order to meet any requirements of the Department of Public Works, and need not by reason of any such amendments be again submitted to the ratepayers. 20 25

Approval of
by-law by
order in
council.

3.—(1) No county shall be entitled to receive any portion of the sum set apart by this Act until the by-law adopting a plan for the improvement of highways therein passed under the provisions of this Act, together with an estimate of the cost of the proposed work, has been approved by the Lieutenant-Governor in Council. 3 Edw. VII., c. 27, s. 4. 30

(2) Upon the application of any county council for the approval of a by-law under this Act, the Minister of Public Works may obtain such report upon the plan adopted by such county council as he may deem necessary and may hear any township council which may be dissatisfied therewith before presenting such application for consideration of the Lieutenant-Governor in Council. 35

Payments to
county out of
appropriation.

4.—(1) When a plan of road improvement adopted by by-law, approved by the Lieutenant-Governor in Council under this Act has been carried out, or at any time during the progress of the work, the county council may submit to the Department of Public Works a state- 45

ment setting forth the expenditure to date in carrying out the said plan, including all payments of grants authorized by this Act, together with the declaration of the treasurer of such county that such statement is correct and
 5 also the report of the county engineer or road superintendent that such work is in accordance with the regulations of the Department of Public Works, and on the receipt of such statement and certificate by the Provincial Treasurer, certified and approved by the proper officer of the
 10 Department of Public Works, the Lieutenant-Governor in Council may direct the payment to such municipal corporation out of the fund set apart under this Act of a sum equal to one-third of the amount of such expenditure. 6 Edw. VII., c. 43, s. 2.

15 5. The council of any union of counties which has passed a by-law under this Act designating the roads to be improved within the united counties after such by-law has been approved by the Lieutenant-Governor in Council may with the consent of two-thirds of the representatives
 20 of any county in the union by by-law apportion the amount to be expended in any year in such county and may provide that the amount so to be expended shall be raised by special rate upon the property liable to taxation in such county, or with the like consent the council of the
 25 united counties may by by-law provide for the issue of debentures for the amount to be expended and may declare that such debentures shall be a charge upon the property liable to taxation in such county, and that the amount required to be raised annually for principal and interest
 30 of any debt so created shall be levied and collected in each year during the currency of the said debentures by an annual special rate upon the property liable to taxation in such county. 6 Edw. VII. c. 43, s. 3.

6. The municipal council of any county taking advantage of this Act, may raise by debentures, payable in
 35 thirty years, as provided by *The Municipal Act*, such sums of money as may be necessary to meet any expenditure on highways under this Act, but in no case shall the debentures issued under this Act exceed two per cent. of the equalized assessment of the county. 1 Edw. VII. c. 32, s. 9;
 40 2 Edw. VII. c. 12, s. 27 (1).

7. The council of any township may by by-law direct that the statute labour for which lands fronting on roads
 in such township constructed or repaired under this Act
 45 may from year to year be liable may be commuted, and the amounts so received may be paid over to the county and applied in repairing such roads and in removing snow therefrom and keeping the same open during the winter months. 5 Edw. VII. c. 27, s. 2.

Aid to county
where road
system estab-
lished prior to
1 Edw. VII.,
c. 32.

8. Where before the passing of this Act the council of any county had established a system of county roads approved by the Lieutenant-Governor in Council as provided by *The Act for the Improvement of Public Highways*, such system of county roads shall be deemed to be within the meaning and intent of this Act, and nothing in this Act contained shall prevent the county council from granting an equivalent to any township not proportionately benefited by the said county road system or to towns and villages as provided by section 2 of this Act, and including such grants in the scheme to be aided under this Act. 3 Edw. VII. c. 26, s. 6. 5 10

Intersection
of other high-
ways by
county road.

9. Wherever a county road intersects a highway which is not a county road the continuation of the county road to its full width across the road so intersected, including the bridges and culverts thereon or touching thereon, shall be a part of the county road system. 3 Edw. VII. c. 26, s. 8. 15

County
council not
liable for side-
walks on
county roads.

10. A county council shall not be liable for the building, maintenance or repair of sidewalks on any county road or portion thereof. 3 Edw. VII. c. 26, s. 9. 20

Counties to
have powers
as to snow
fences.
Rev. Stat.
c. 240.

11. The county council shall in respect to county roads have all the powers given to townships, cities, towns and incorporated villages under *The Act respecting Snow Fences*. 3 Edw. VII. c. 26, s. 10. 25

Roads in re-
spect of which
aid granted
to be county
roads.

12. Except as in subsection 3 of section 2 of this Act otherwise provided, all roads constructed or repaired under this Act, and for the construction or repair of which aid may hereafter be granted out of the fund set apart under this Act, shall thereafter be deemed to be county roads and shall be maintained and kept in repair by the corporation of the county in which such roads are situate. 5 Edw. VII. c. 27, s. 4. 30

1 Edw. VII.,
c. 32 and
amendments
repealed.

13. The Act passed in the first year of His Majesty's reign, Chaptered 32, and the amendments thereto, are repealed and the foregoing provisions are substituted therefor. 35

3rd Session, 11th Legislature,
7 Edward VII., 1907.

BILL.

An Act for the Improvement of Public
Highways.

First Reading, 26th March, 1907.

Mr. REAUME.

TORONTO:

PRINTED BY L. K. CAMERON,

Printer to the King's Most Excellent Majesty.

An Act for the Improvement of Public Highways

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The sum of \$1,000,000 is hereby set apart to be paid ^{\$1,000,000 appropriated for road improvements.} out of the Consolidated Revenue Fund of the Province to aid in the improvement of public highways subject to the terms and conditions hereinafter set forth. 1 Edw. VII. c. 32, s. 1.

2.—(1) The county council of any county may by by-law adopt a plan for the improvement of highways throughout the county by assuming ^{County by-law adopting system of road improvement.} highways in any municipality in the county in order to form ^{or} extend a system of county highways therein, designating the highways to be assumed and improved and intended to form or be added to such system; and in case it may be impracticable to benefit all the townships in any county equitably by a system of county highways, such plan may provide for compensation to any township or townships which by reason of the location of such highways or of the unequal distribution of the expenditure thereon, may not benefit proportionately, by a grant of such specific amount or annual sum or both, to be expended in the improvement of the highways of such township or townships, as when so expended will make such plan equitable for the whole county.

(2) A plan adopted by the county council, under this section, may include the purchase of toll roads or freeing the same from toll. 1 Edw. VII., c. 32, s. 5. ^{Plan may include abolition of toll roads.}

(3) A county council may from time to time while carrying out a plan of road improvement under this Act, by by-law make grants to incorporated villages or towns not sepa- ^{Grants to incorporated villages and towns.}

rated from the county for the purpose of improving such highways or portions of highways in such villages or towns as may be designated in such by-law, and which are extensions of, or form connections between different portions of county roads, but no such highways shall by reason of such by-law or of the expenditure of any such grant thereon be deemed to have been assumed by the county or to form part of the county system of highways, and any grant made under this subsection and approved of by the Minister of Public Works, shall be deemed to form part of the expenditure in carrying out a plan of road improvement in such county so as to entitle the county to share in the aid granted by this Act. 3 Edw. VII., c. 26, s. 7.

Regulations of
Public Works
Department.

(4) Every highway constructed or repaired in pursuance of a plan adopted by by-law approved by the Lieutenant-Governor in Council under this Act shall be constructed or repaired according to the regulations of the Public Works Department with respect to highways. 1 Edw. VII., c. 32, s. 6.

By-law may
be submitted
to ratepayers.

(5) It shall not be necessary for the county council to submit to the ratepayers any by-law for the borrowing of money for the purposes of this Act, but before the final passing of a by-law under this Act the county council may submit the same for the approval of the majority of the ratepayers of the county qualified to vote on money by-laws, but a by-law so submitted may be thereafter amended by the council in order to meet any requirements of the Department of Public Works, and need not by reason of any such amendments be again submitted to the ratepayers.

Approval of
by-law by
order in
council.

3.—(1) No county shall be entitled to receive any portion of the sum set apart by this Act until the by-law adopting a plan for the improvement of highways therein passed under the provisions of this Act, together with an estimate of the cost of the proposed work, has been approved by the Lieutenant-Governor in Council. 3 Edw. VII., c. 27, s. 4.

(2) Upon the application of any county council for the approval of a by-law under this Act, the Minister of Public Works may obtain such report upon the plan adopted by such county council as he may deem necessary and may hear any township council which may be dissatisfied therewith before presenting such application for consideration of the Lieutenant-Governor in Council.

Payments to
county out of
appropriation.

4.—(1) When a plan of road improvement adopted by by-law, approved by the Lieutenant-Governor in Council under this Act has been carried out, or at any

time during the progress of the work, the county council may submit to the Department of Public Works a statement setting forth the expenditure to date in carrying out the said plan, including all payments of grants authorized by this Act, together with the declaration of the treasurer of such county that such statement is correct and also the report of the county engineer or road superintendent that such work is in accordance with the regulations of the Department of Public Works, and on the receipt of such statement and certificate by the Provincial Treasurer, certified and approved by the proper officer of the Department of Public Works, the Lieutenant-Governor in Council may direct the payment to such municipal corporation out of the fund set apart under this Act of a sum equal to one-third of the amount of such expenditure. 6 Edw. VII., c. 43, s. 2.

5. The council of any union of counties which has passed a by-law under this Act designating the roads to be improved within the united counties after such by-law has been approved by the Lieutenant-Governor in Council may with the consent of two-thirds of the representatives of any county in the union by by-law apportion the amount to be expended in any year in such county and may provide that the amount so to be expended shall be raised by special rate upon the property liable to taxation in such county, or with the like consent the council of the united counties may by by-law provide for the issue of debentures for the amount to be expended and may declare that such debentures shall be a charge upon the property liable to taxation in such county, and that the amount required to be raised annually for principal and interest of any debt so created shall be levied and collected in each year during the currency of the said debentures by an annual special rate upon the property liable to taxation in such county. 6 Edw. VII. c. 43, s. 3.

Work in united counties.

6. The municipal council of any county taking advantage of this Act, may raise by debentures, payable in thirty years, as provided by *The Municipal Act*, such sums of money as may be necessary to meet any expenditure on highways under this Act, but in no case shall the debentures issued under this Act exceed two per cent. of the equalized assessment of the county. 1 Edw. VII. c. 32, s. 9; 2 Edw. VII. c. 12, s. 27 (1).

Issuing debentures for expenditure in highways.

7. The council of any township may by by-law direct that the statute labour for which lands fronting on roads in such township constructed or repaired under this Act may from year to year be liable may be commuted, and the amounts so received may be paid over to the county and applied in repairing such roads and in removing snow therefrom and keeping the same open during the winter months. 5 Edw. VII. c. 27, s. 2.

Statute labour, application of upon roads aided.

Aid to county where road system established prior to 1 Edw. VII., c. 32.

8. Where before the passing of this Act the council of any county had established a system of county roads approved by the Lieutenant-Governor in Council as provided by *The Act for the Improvement of Public Highways*, such system of county roads shall be deemed to be within the meaning and intent of this Act. 3 Edw. VII. c. 26, s. 6.

Intersection of other highways by county road.

9. Wherever a county road intersects a highway which is not a county road the continuation of the county road to its full width across the road so intersected, including the bridges and culverts thereon or touching thereon, shall be a part of the county road system. 3 Edw. VII. c. 26, s. 8.

County council not liable for sidewalks on county roads.

10. A county council shall not be liable for the building, maintenance or repair of sidewalks on any county road or portion thereof. 3 Edw. VII. c. 26, s. 9.

Counties to have powers as to snow fences. Rev. Stat. c. 240.

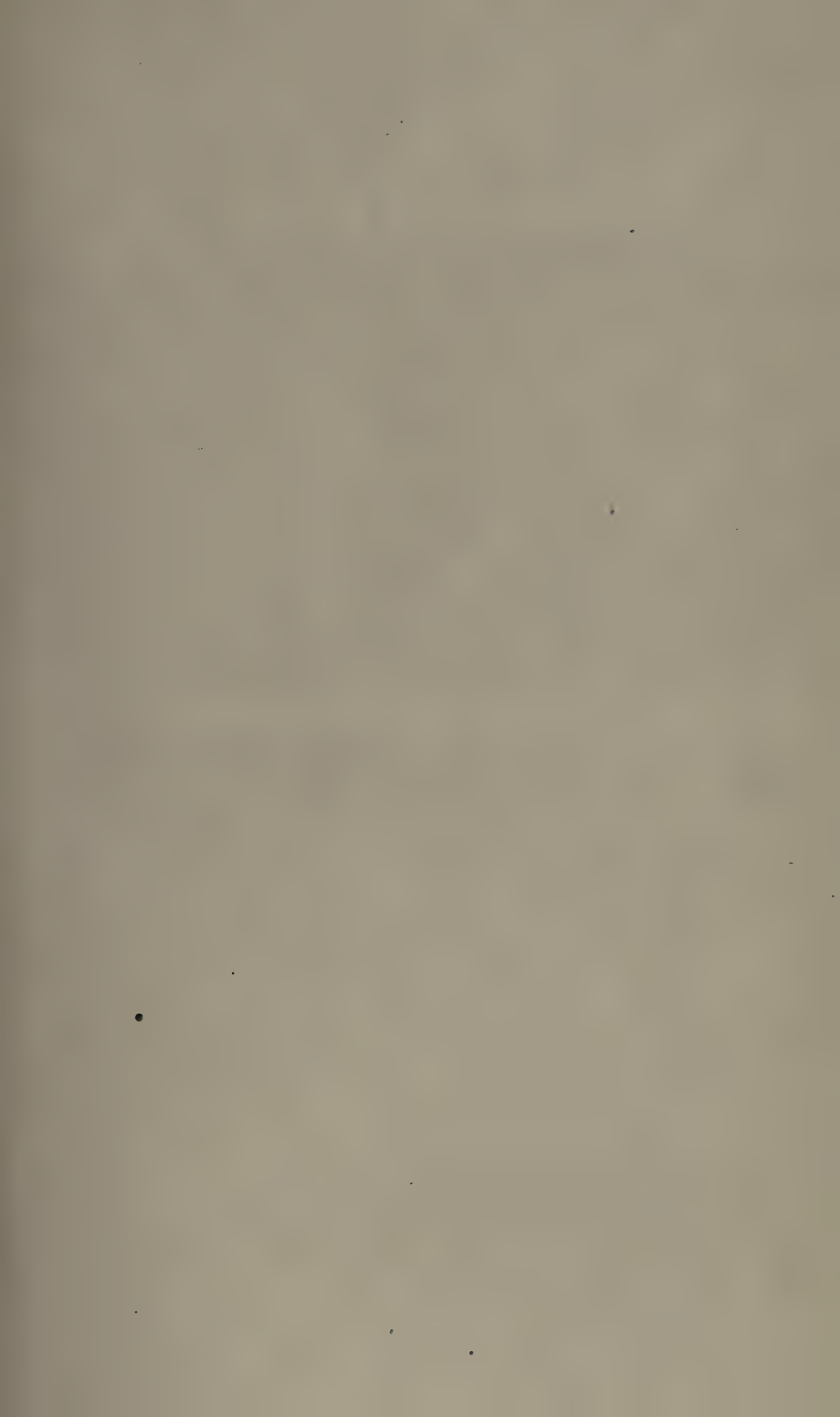
11. The county council shall in respect to county roads have all the powers given to townships, cities, towns and incorporated villages under *The Act respecting Snow Fences*. 3 Edw. VII. c. 26, s. 10.

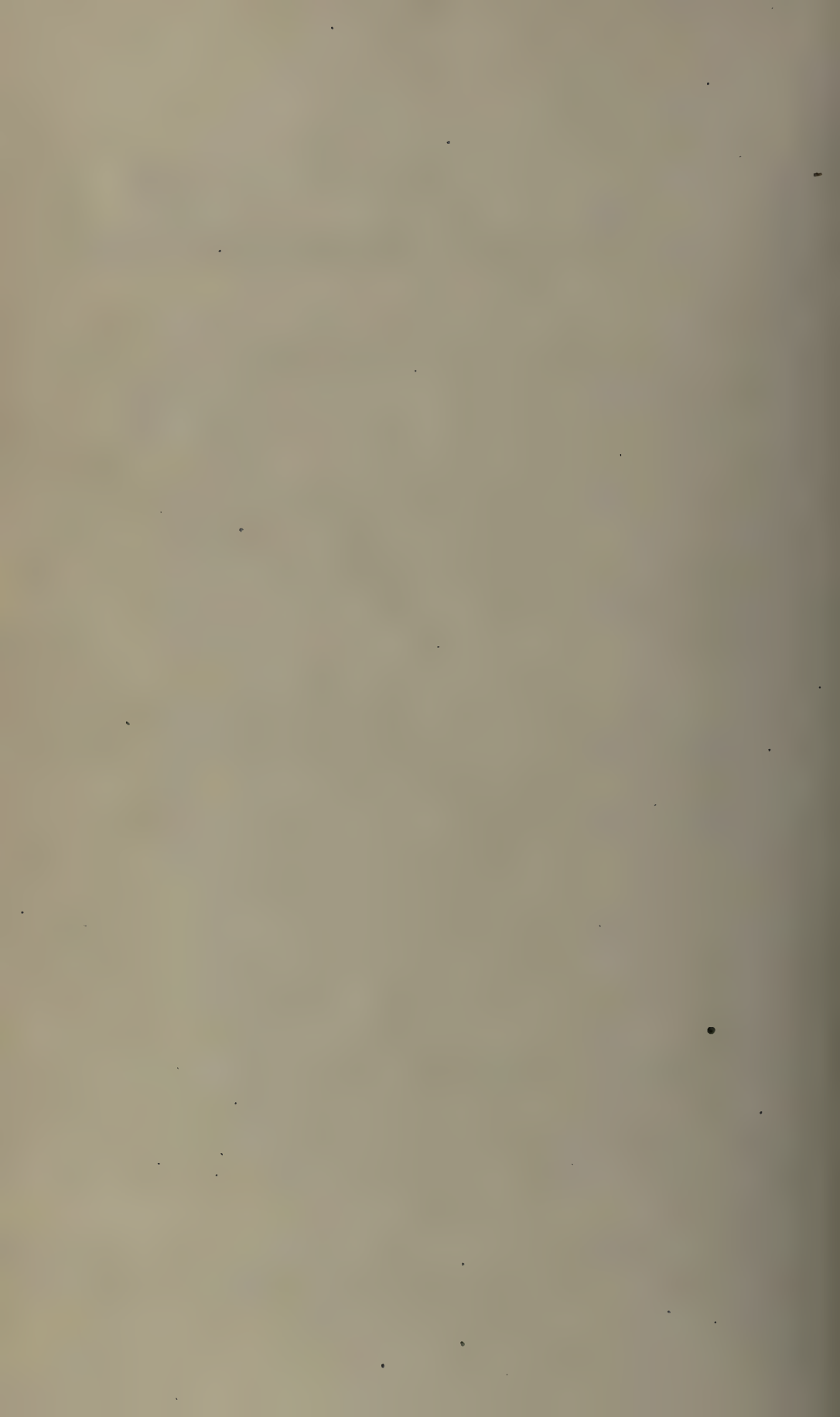
Roads in respect of which aid granted to be county roads.

12. Except as in subsection 3 of section 2 of this Act otherwise provided, all roads constructed or repaired under this Act, and for the construction or repair of which aid may hereafter be granted out of the fund set apart under this Act, shall thereafter be deemed to be county roads and shall be maintained and kept in repair by the corporation of the county in which such roads are situate. Provided that after three years subsequent to the construction and completion of the county system of roads, the County Council may with the approval of two-thirds of the minor municipalities in the County expressed by by-law declare that such system of County roads shall on the 1st day of January following, revert to the local municipalities in which the same are situate, and such roads shall thereafter be maintained as township roads. 3 Edw. VII. c. 27, s. 4.

1 Edw. VII., c. 32 and amendments repealed.

13. The Act passed in the first year of His Majesty's reign, Chaptered 32, and the amendments thereto, are repealed and the foregoing provisions are substituted therefor.





3rd Session, 11th Legislature,
7 Edward VII., 1907.

BILL.

An Act for the Improvement of Public
Highways.

First Reading,	26th March,	1907.
Second Reading,	27th March,	1907.
Third Reading,		1907.

*(Reprinted as amended by Committee of
the whole House.)*

Mr. README.

TORONTO:

PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

An Act to consolidate and amend the Act respecting
Voters' Lists.

SHORT TITLE, s. 1.

INTERPRETATION, s. 2

RULES AND FORMS, ss. 3, 4.

APPLICATION OF PARTS I., II.,
and III., s. 5.

PART I.—APPLYING TO ALL
MUNICIPALITIES, ss. 6-49.

ALPHABETICAL LIST OF VOTERS TO
BE MADE BY CLERK, ss. 6, 7.

DISTRIBUTION AND POSTING UP
COPIES OF LIST, ss. 8-12.

REVISION OF LIST—

Who may complain and on
what grounds, ss. 13, 14.

Powers and duties of Judge,
ss. 15, 25, 30, 31.

Procedure, ss. 16; 18.

List to be certified by Judge,
ss. 19-21.

Striking off names of persons
subsequently dying, ss. 22.

Effect of certified list, s. 23.

Municipality to provide Court
Room, s. 24.

Clerk—

duties generally, s. 26.

remuneration, ss. 27, 30.

Constables, their duties and
fees, ss. 28, 30.

Report by Judge as to frauds,
s. 30.

Amendment of proceedings, s.
31.

Substitution of new complain-
ant, s. 32.

Costs of complaints, ss. 33-36.

Affidavit made before candi-
dates or agents, s. 37.

Obtaining opinion of Court of
Appeal or Judge thereof, ss.
38, 39.

PERSONS ADDED ON LISTS TO PAY
TAXES, s. 40.

LIST NOT INVALIDATED BY FAIL-
URE OF CLERK TO PERFORM
DUTIES, ss. 41, 42.

PENALTIES AND FINES—

Neglect of Clerk, s. 43.

Wilful alteration of list, s. 44.

Colourable transfer of pro-
perty to confer vote, s. 45.

Recovery of fines and penal-
ties, s. 47.

Fraudulent entry of names, s.
46 (2).

ASSESSOR TO MAKE INQUIRIES BE-
FORE ENTERING NAMES, s.
46 (1).

COPIES OF LISTS AND OF ALTERA-
TIONS, ss. 48, 49.

PART II.—APPLYING TO CITIES
HAVING A POPULATION OF
OVER 100,000, ss. 50-55.

PREPARATION AND POSTING OF
LISTS FOR WARDS, ETC., ss.
50, 51.

TIME FOR MAKING COMPLAINTS, s.
51.

PROCEDURE, ss. 52-55.

WHEN WARD LIST TO BE REVISED.
ss. 53, 54.

FINAL REVISION FOR WHOLE CITY,
s. 54.

EFFECT OF LIST AS FINALLY
REVISED, s. 55.

PART III.—APPLYING TO TERRI-
TORY WHERE NO ASSESSMENT
ROLL, ss. 56-72.

WHO TO PREPARE LISTS, s. 56.

NOTICE OF PREPARING LIST, s. 58.

MODE OF PREPARING, ss. 59-63.

APPEALS, s. 64.	PENALTY FOR MISCONDUCT, ss. 69-
LIST TO BE CERTIFIED, s. 65.	71.
EXPENSES, HOW PAID, s. 66.	LIST ALREADY PREPARED, HOW
OFFICERS PREPARING LIST INELI-	LONG TO CONTINUE VALID, s.
GIBLE AS CANDIDATES, s. 68.	72.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short title. 1. This Act may be cited as "*The Ontario Voters' Lists Act.*" R.S.O. 1897, c. 7, s. 1. 5

INTERPRETATION.

Interpretation. 2. Where the words following occur in this Act, they shall be construed in the manner hereinafter mentioned, unless a contrary intention appears:—

"Voter." (1) "Voter" as meaning a person entitled to be a voter, 10
or to be named in the voters' list as qualified to be a voter
either at an election of a member of the Legislative
Rev. Stat. c. 9. Assembly within the meaning of *The Ontario Election Act*, or at any municipal election, as the case may be;

"Scrutiny." (2) "Scrutiny" as meaning any scrutiny of the votes 15
polled at an election within the meaning of section 76
Rev. Stat. c. 11 and the next succeeding nine sections of *The Ontario Con-
troverted Elections Act*;

"Judge." (3) "Judge" as meaning the Judge of the County or Dis-
trict Court for the County or District within which the 20
municipality for which the Voters' List is made lies; and

Jurisdiction of District Judges. (4) Every Judge of a District Court, within his District,
shall, for the purposes of this Act, have the jurisdiction and
powers of a County Judge acting in his County. R.S.O.
1897, c. 7, s. 2 (4); 62 V. (2), c. 11, s. 2. 25

Where there are more county judges than one. (5) Where there are more County or District Judges than
one, a Junior Judge may, in case of the illness or absence
or at the request of the Judge, perform the duties assigned
by this Act to a County Judge.

Deputy-judge not to deal with lists without special authority. (6) A Deputy-Judge shall not have power to deal with 30
any matter connected with any of the lists mentioned in
this Act, unless so authorized by the Lieutenant-Governor
in Council. R.S.O. 1897, c. 7, s. 2 (1)-(3).

RULES AND FORMS.

Board of County Judges may make rules. 3. The Board of County Judges may, if requested so to 35
do by the Lieutenant-Governor, frame Rules and Forms
of procedure for the purpose of better carrying this Act

into effect, and such Rules and Forms shall, when approved of by the Lieutenant-Governor in Council, have the same effect and force as if they formed part of this Act. R.S.O. 1897, c. 7, s. 3.

- 5 4. In carrying into effect the provisions of this Act, the Use of forms,
Forms set forth in the Schedule, or Forms to the like effect,
may be used. R.S.O. 1897, c. 7, s. 4.

APPLICATION OF PARTS I., II., AND III.

- 5.—(1) The provisions in Part I. shall apply to town- Application of
10 ships, incorporated villages and towns; and except as Parts I., II,
and III. of
Act.
varied by Part II. of this Act and by *The Manhood Suffrage Registration Act*, to cities.

- (2) The provisions contained in Part II. shall apply to
every city in which a by-law shall have been passed for
15 taking the assessment at any time prior to the 30th day
of September, and fixing separate dates for the return and
final revision of the assessment rolls for each ward or sub-
division of a ward as defined in the by-law.

- (3) The provisions in Part III. shall apply to every
20 portion of the Province not comprised in an organized
municipality. R.S.O. 1897, c. 7, s. 5, (*and see 1 Edw.
VII c. 12, s. 3*).

PART I.

ALPHABETICAL LISTS OF VOTERS AND COPIES.

- 25 6.—(1) The Clerk of each Municipality shall, immedi- Clerk to make
ately after the final revision and correction of the assess- lists of voters
ment roll in every year, make a correct alphabetical list in in three Parts.
three parts (Form 1) of all persons appearing by the
assessment roll to be voters, prefixing to the name of each
30 person his number upon the roll.

- (2) The first of the three parts shall contain the names, First Part.
in alphabetical order, of all male persons appearing by
the assessment roll to be voters at both Provincial and
municipal elections.

- 35 (3) The second part shall contain the names, in alpha- Second Part.
betical order, of all other male persons, and of all widows
and unmarried women appearing by the assessment roll to
be voters at municipal elections but not at Provincial
elections.

- 40 (4) The third part shall contain the names, in alphabeti- Third Part.
cal order, of all other male persons, appearing by the
assessment roll to be voters at Provincial but not at muni-
cipal elections.

Name to be entered once only.

(5) The name of the same person shall not be entered more than once.

Lists for polling subdivisions.

(6) Where a municipality is divided into polling subdivisions lists shall be made for each subdivision.

Where qualification under R.S.O. c. 9.

(7) In the case of a person qualified to vote at Provincial elections, the Clerk shall, opposite the name of such person, in the proper column, state that fact either by inserting in such column the words "Manhood Franchise," or the letters "M.F."

Where qualification in respect of real property.

(8) Where the qualification of a person to be a voter at a municipal election is in respect of real property, the Clerk shall, opposite the name of such person, insert, in the proper column the number of the lot or other proper description of the parcel of real property in respect of which such person is so qualified; adding thereto where the person is so qualified in respect of more than one lot or parcel, the words "and other premises."

Where qualification that of a farmers' son. Rev. Stat. c. 223.

(9) In the case of a person being a farmer's son, the Clerk shall insert opposite his name, in the proper column, the words "Farmer's Son," or the letters "F.S." 20

Occupation of voter to be entered in list.

(10) In a township, town or village the Clerk shall opposite the name of each person state his occupation in a column for that purpose.

Entry where voter assessed in several divisions of same ward.

(11) Where a ward is divided into polling subdivisions, and it appears by the assessment roll that a person is assessed in each of two or more polling subdivisions for property sufficient to entitle him to be a voter at a municipal election, the Clerk shall enter his name in the list for one subdivision only, and shall insert opposite his name the words "and other premises;" and where to the knowledge of the Clerk, a person resides in one of the subdivisions, his name shall be entered in the list for that subdivision. 25 30

Provision where property partly in one subdivision and partly in another.

(12) Where it appears by the assessment roll that a person is assessed for property within the municipality sufficient to entitle him to be a voter at a municipal election, but that such property lies partly within the limits of one subdivision and partly within another or others, the clerk shall enter his name on the list of voters in only one of the subdivisions in which the property is situate, with the following words added: "Partly qualified in subdivision No. 35 40

Income qualification.

(13) If the qualification to be a voter at a municipal election is in respect of income, the Clerk shall, in the proper column, state that fact, and the place at which the voter resides in the municipality. 45

(14) Where the word Freeholder or the letter F, or the word Tenant or the letter T appears in the assessment roll opposite the name of a person entitled to be entered on the list, such word or letter shall be placed opposite the name of such person.

Entry in list of persons assessed as freeholder or tenant.

(15) No person shall be entered on a Voter's List for a city by virtue of a qualification under *The Ontario Election Act* unless he is entitled to vote also at municipal elections and no list of persons entitled to vote at Provincial elections only shall be prepared for cities.

(16) An assessment roll shall be deemed to be finally revised and corrected when it has been so revised and corrected by the Court of Revision for the municipality, or by the Judge of the County Court in case of an appeal as provided in *The Assessment Act*, or when the time during which the appeal may be made has elapsed, and not before. R.S.O. 1897, c. 7, s. 6.

When assessment roll to be regarded as finally revised.

6a.—(1) In the case of a city or town in which the assessment roll is not returnable before the 30th day of September, the Clerk, immediately after the return of the roll, and without waiting for the revision and correction thereof by the court of revision or the judge, shall make out an alphabetical list of all persons appearing by the roll to be voters; and shall within thirty days after the return of the roll, cause two hundred copies of the said list in the case of a city and one hundred copies in the case of a town to be printed in pamphlet form, and shall post up and deliver copies of the list, as provided by section 8.

Preparing voters' list in cities where roll not returnable before 30th September.

(2) A larger number of copies may be printed if the council shall so direct.

(3) The alphabetical list so made shall be deemed the list of voters which is subject to revision by the judge, under section 13, and the provisions of this Act which have reference to the alphabetical list mentioned in the said section shall apply to the list provided for by this section.

Revision of list by county judge.

(4) The time for giving notice of any complaint to be made to the Judge under section 13 with respect to a list prepared under this section shall be thirty days after the Clerk has posted up the list.

Time for giving notice of complaints.

(5) The list prepared under this section shall be finally revised, corrected and certified by the Judge within one month after the last day for making complaints.

Time for final completion of lists.

(6) In case the assessment roll of a city or town to which this section applies is not finally revised before the time limited for the final revision, correction and certifying of the list by the Judge, and upon appeal from the

Correction in voters' list after revision of roll.

court of revision alterations are made by the Judge in the assessment roll affecting the right of any person to be entered on the list, the Judge shall forthwith after the final revision of the roll, make out a list of such alterations and deliver the same to the Clerk, the Clerk shall make corresponding changes in the certified copies of the revised list, and the Judge shall initial the same. A copy of the list of alterations shall be posted up by the Clerk in his office. 62 V. (2) c. 3, s. 1; 63 V. c. 2, ss. 1-3.

P. O. address
of voter to be
entered on list,
Rev. Stat., c.
61.

7. The Clerk of every township municipality, in making out the list shall, insert in the list (Form 1) a schedule containing the name, numbered consecutively, of every post office which by the assessment roll appears as the address of any person entered in the list, and in making out the list shall according to the form and in the proper column therefor, insert opposite the name of every voter entered on the list the consecutive number which according to the schedule is his post office address, so far as the address appears by the assessment roll, or is within the knowledge or belief of the Clerk; but no appeal or complaint on the ground of any error, mistake or omission in or from the list in respect of any matter or thing by this section directed to be inserted therein, shall be made or allowed by or under this Act. R.S.O. 1897, c. 7, s. 7.

Copies of list
to be printed
and distributed.

8.—(1) Immediately after the Clerk has made the alphabetical list, and within forty days in a city and in other municipalities within thirty days, after the final revision and correction of the assessment roll, the Clerk shall cause at least two hundred copies of the list to be printed (in pamphlet form, and forthwith shall cause one of the printed copies to be posted up, and to be kept posted up in some conspicuous place in his office, and deliver or transmit by post, by registered letter, or by parcel post, registered, three copies to each Judge of the County Court of the County to which for judicial purposes the municipality belongs; and two copies to each of the following persons:—

- (a) Every member of the Municipal Council of the Municipality except the head thereof;
- (b) The Treasurer thereof; 40
- (c) The Sheriff;
- (d) The Clerk of the Peace;
- (e) Every Postmaster in the Municipality;
- (f) Every Head Teacher of a Public or Separate School in the Municipality; 45
- (g) The Clerk of the County in which the municipality is situate. R.S.O. 1897, c. 7, s. 8;

(2) The Clerk shall forthwith also deliver or transmit by post, by registered letter, or by parcel post, registered, ten copies of the list to each of the following persons :—

Clerk to transmit copies to certain persons.

5 (a) The Member of the House of Commons for the Electoral District in which the Municipality or any part thereof lies;

(b) The Member of the Legislative Assembly for the Electoral District in which the Municipality or any part thereof lies;

10 (c) Every candidate for whom votes were given at the then last election of a member for the House of Commons and for the Legislative Assembly respectively; and

15 (d) The Head of the Municipality. R.S.O. 1897, c. 7, s. 9.

9.—(1) The Clerk shall keep a book in which he shall enter particulars showing the day on which the copies of the alphabetical list were posted up by him and were transmitted to each of the persons mentioned in section 8, and also whether such copies were delivered personally or transmitted by post and shall verify such particulars by an affidavit or statutory declaration entered in such book.

Books of record to be kept by clerk.

(2) A Clerk who fails to comply with the provisions of this section or of section 8 or of section 9 shall, for each omission, incur a penalty of \$200, and in default of payment thereof shall further be liable to imprisonment for a period not exceeding three months. 61 V. c. 3, s. 3.

10.—(1) Upon each of the copies so sent shall be a certificate (Form 2) over the name of the Clerk, stating that the list is a correct list of all persons appearing by the last revised assessment roll to be voters at Provincial elections, and at municipal elections; and, calling upon all voters to examine the list, and to take immediate proceedings to have omissions or errors corrected according to law. R.S.O. 1897, c. 7, s. 10.

Clerk to certify as to certain matters on each copy of list.

(2) Upon the outside or cover of each of the copies so sent shall be printed or written conspicuously the date of the posting up of the said list thus :—

Date of posting list to be printed on copies.

This list was posted up in the Clerk's office on the

10 lay of (fill in date), 19

2 Edw. VII. c. 12, s. 3.

11. The Sheriff shall immediately upon the receipt of his copies cause one of them to be posted up in a conspicuous place in the Court House; the Clerk of the Peace, upon receipt of his copies, shall cause one of them to be posted

Copies to be posted up by Sheriffs, Clerks of the Peace, teachers and post-masters.

up in a conspicuous place in his office; every Head Teacher of a Public or Separate School shall post up one copy on the door of the School-house; and every Postmaster shall post up one copy in his post-office. R.S.O. 1897, c. 7, s. 11. 5

Clerk to publish notice of transmission and posting up of list.

12. The Clerk shall also forthwith cause to be inserted at least once in some newspaper published in the municipality, or in case none is published therein, then in some newspaper published either in the nearest municipality in which one is published, or in the County 10 Town, a notice (Form 3), signed by him, which shall state that he has delivered or transmitted the copies of the list as directed by this Act, and the date of the first posting up of the list in his office. R.S.O. 1897, c. 7, s. 12.

REVISION OF LISTS.

15

Revision of list by County Judge.

13.—(1) The list shall be subject to revision by the Judge, at the instance of any voter who complains that the names of voters have been omitted from the list, or wrongly stated therein, or that the names of persons who are not entitled to be voters have been entered on the list. 20

Assessment roll not conclusive.

(2) Upon such revision the finally revised assessment roll shall not be conclusive evidence in regard to any matter.

Rev. Stat. c. 224.

(3) Upon such revision no person shall be disentitled to have his name entered on the list, by reason of his having omitted to make, sign or deliver any statement or affidavit 25 required by the provisions of *The Assessment Act*, or of his name not having been entered on the assessment roll.

Judge's decision final.

(4) The decision of the Judge, in regard to the right of any person to vote, or as to the right to enter on or strike from the list the name of any person as a voter, shall be 30 final. R.S.O. 1897, c. 7, s. 13.

(5) In the case of a list for a township situate within territory having county organization, the Judge may receive as evidence in support of an application to have the name of a person entered on the list, the affidavit of such 35 person or of some other person who has and deposes that he has personal knowledge of the matter set forth in the affidavit (Form 4); Provided that the affidavit is delivered to the Clerk of the Municipality before the time for making complaints has expired. 40

14.—(1) Any voter whose name is entered on or who is entitled to have his name entered on the list for the municipality shall have the right for all purposes of this Act upon giving notice in writing (Form 5) within thirty days after the Clerk has posted up the list in his office, to apply, 45

complain or appeal to have his own name or the name of any other person corrected in, entered on or removed from the list for the municipality.

(2) A person who has acquired the qualification entitling him to vote at a provincial or municipal election before the time for giving the notice of appeal to the Judge has expired, shall be entitled to be entered on the list, and in the case of a municipal voter he shall be entered on the assessment roll, and shall be assessed for his property or income, if not already assessed therefor, without any request on his part, and the Judge and Clerk shall for the purposes of such assessment have the powers and perform the duties mentioned in section 40.

(3) A person who will be of the age of twenty-one years within thirty days after the day fixed for hearing appeals to the Judge, if otherwise qualified, shall be entitled to have his name entered on the list, but he shall not be entitled to vote until he is of the age of twenty-one years.

15. The Judge may, without a previous notice of appeal or complaint, on an application made by or on behalf of any person named in the lists, correct any mistake which shall appear, to have been made in compiling the list in respect of the name, place of abode, qualification, or the local or other description of the property, of a person entered on the list, and with respect to whose right to be so entered an appeal or complaint is pending before the Judge. R.S.O. 1897, c. 7, s. 15. Powers of County Judge.

16.—(1) A voter making a complaint of any error or omission in the list shall, within thirty days after the Clerk of the Municipality has posted up the list in his office, give to the Clerk or leave for him at his residence or place of business, notice in writing (Form 5) of his complaint. Proceedings on complaint of errors in list.

(2) If the office of Clerk is vacant, the notice may be given in like manner to the head of the Council of the Municipality, and he shall perform all the duties of the Clerk. Vacancy in office of Clerk.

(3) The proceedings thereafter by the Judge, Clerk, and the parties respectively, and the powers and duties of the Judge, and Clerk and other persons, shall be the same, as nearly as may be, as in the case of an appeal from the Court of Revision under *The Assessment Act*; but no deposits shall be required. (See Forms 5-10.) Procedure as in appeal from Court of Revision.

(4) The Judge shall not proceed with the holding of any Court for hearing complaints until notice (Form 9) of the time and place of holding the Court shall have been published by the Clerk at least ten days before the sittings of the Court, in some newspaper published in the municipality. Notice of holding Court for complaints.

or, if there be no such paper, then in some newspaper published in the nearest municipality in which one is published, or in the county town. R.S.O. 1897, c. 7, s. 17.

Compelling
attendance of
witnesses.

17.—(1) Any person may obtain from the County Court of the County a subpoena (Form 12), or from the Judge an order, requiring the attendance at the Court for hearing complaints, at the time mentioned in the subpoena or order, of a witness residing or served with the subpoena or order, in any part of the Province, and requiring the witness to produce any papers or documents mentioned in the subpoena or order; and every witness served with the subpoena or order shall obey the same, provided the allowance for his expenses, according to the scale allowed in Division Courts, is paid or tendered to him at the time of service. 15

Compelling
attendance of
persons whose
right is in
question.

(2) Any person in respect of the entry or omission of whose name a complaint is made, shall, if resident within the municipality, for or in which the Court is held, upon being served with a subpoena or order obey the same without being tendered or paid an allowance for his expenses; and the subpoena or order shall be deemed to have been sufficiently served:—

- (a) If the subpoena or order is served upon him personally; or
- (b) Where he has a known residence or place of business within the municipality, if a copy of the subpoena or order is left for him with some grown up person, at such residence or place of business; or
- (c) Where he has no known residence or place of business within the municipality, if a copy of the subpoena or order is, at least six days before the sitting of the Court, by mailing to him, by registered letter, addressed to him at the post office address contained in any affirmation made by him under *The Assessment Act*, and where no such affirmation has been made, addressed to him at his last known post office address, and also by separate registered letter addressed to the post office nearest to the polling subdivision in which he is entered, unless such last post office is his last known post office address; or
- (d) Where he is a farmer's son, if a copy of the order or subpoena is left for him with some grown up person at the residence of the farmer whose son he is. 45

(3) If a person, whose right to be a voter is the subject of enquiry, does not attend in obedience to the subpoena or order, the Judge, in the absence of satisfactory excuse being shown for the non-attendance, or proof of right of the person to be a voter, may, on the ground of his non-attendance, strike his name off, or refuse to enter his name on the list, or impose a reasonable fine on him, or he may do both. Penalty for non-attendance.

(4) The fact that the name of the person is entered on the last revised voter's list of the Electoral District shall be *prima facie* evidence that he is a British subject and twenty-one years of age.

18. If on complaint or appeal to strike off the name of any person on the list it appears that the qualification of such person is incorrectly set forth therein, but that he has the qualification necessary to entitle his name to be entered on the list, the Judge shall not strike off the name of such person, but shall make such alterations in the list as are necessary to set forth the proper qualification of such person, and in so doing may, if the name has not been entered on the proper part of the list, enter the same thereon.

19. The Judge shall so arrange and proceed, and fix the sittings of the Court, that all the complaints shall be heard and determined, and the list finally revised, corrected and certified, within two months from the last day for making complaints. Time within which list to be revised. R.S.O. 1897, c. 7, s. 19.

20. If no complaint is made within thirty days after the Clerk has posted up the list in his office, he shall forthwith apply (Form 13), either in person or by letter, to the Judge to certify (Form 14) three copies of the list as being the revised list of voters for the municipality; and the Judge shall certify such three copies and retain one, and deliver or transmit by post, registered, one to the Clerk of the Peace, and one to the Clerk of the Municipality, to be kept by him among the records of his office. List confirmed if no complaint within 30 days after list posted up by clerk. R.S.O. 1897, c. 7, s. 20.

21. If any complaint is made, immediately after the list has been finally revised, the Judge shall furnish to the Clerk a statement of the changes made by him in the list. The Clerk shall thereupon prepare three corrected copies of the list as revised by the Judge, and shall, within one week after the revision has been made, transmit or deliver to the Judge such three copies, which the Judge shall thereupon certify and sign (Form 15); and he shall deal with the certified copies in the manner directed by section 20. Statement of changes on list.

Striking off
names of
persons dying
after revision.

22.—(1) After the list has been certified and before the nomination day at any election, the Judge may, upon the application of a voter, strike from the list the name of any person who has died since the list was certified; and for that purpose the certificate of the Registrar-General 5 or of the Division Registrar shall be sufficient evidence of death, but if the identity of the person proved to be dead with the person whose name is sought to be struck off is disputed or open to reasonable doubt, proof of the identity shall be required. 10

(2) The proceedings shall be the same as nearly as may be as proceedings taken for the revision of the list, except that it shall not be necessary to publish notice of the sittings of the Court, and the Judge and the officers named in this Act shall have the same jurisdiction as in the case 15 of proceedings to revise the list under this Act.

Certified list
conclusive
evidence.

23. The certified list shall, upon a scrutiny, under *The Ontario Election Act*, or *The Municipal Act*, be final and conclusive evidence that all persons named therein, and no others, were qualified to vote at any election at which 20 such list was, or was the proper list to be used; except

Exceptions.

1. Persons guilty of corrupt practices at or in respect of the election in question on such scrutiny, or since the list was certified by the Judge;

Rev. Stat. c. 9.

2. Persons who, subsequently to the list being certified, 25 are or have been non-resident either within the municipality to which the list relates, or within the electoral district for which the election is held, and who by reason thereof are, under the provisions of *The Ontario Election Act*, disqualified to vote; 30

3. Persons who, under sections 4 to 7 of *The Ontario Election Act* are disqualified and incompetent to vote. R.S.O. 1897, c. 7, s. 24.

Municipality
to provide a
court room.

24.—(1) It shall be the duty of the municipality within which a Court is to be held, to provide a suitable and con- 35 venient place, properly furnished, heated and lighted for the holding of the Court, and in default thereof the Judge may hold the Court at such place in the County as he may deem proper; and if the Court is held elsewhere than in the Court House of the County, the occupant of the build- 40 ing in which it is held may recover from the municipality the sum \$5 for each day during which the building was used for the purposes of the Court.

Courts in
county towns.

(2) Every Court held in the county town shall be held in the Court House, or in such other place as the Judge may 45 deem proper. R.S.O. 1897, c. 7, s. 25.

25. In all proceedings before the Judge he shall have all the powers which belong to or might be exercised by him in the County Court. R.S.O. 1897, c. 7, s. 26. Powers of Judge.

26. The Clerk of every Municipality shall be subject to the summary jurisdiction and control of the Judge in the performance of his duty under this Act, in the same manner as an officer if the County Court is to the Court. R.S.O. 1897, c. 7, s. 27. Clerk to be subject to summary jurisdiction of Judge.

27. The Clerk shall be entitled to the actual and reasonable disbursements necessarily incurred by him in serving a notice of complaint or appeal, when served by him, and shall also, unless he is by the terms of his employment required to discharge the duties imposed upon him by this Act without such remuneration, be entitled to the following compensation:

1. Two cents for the name of every person entered in the list of complaints and in respect to whom appeal was made.

2. Two cents for every name entered in any necessary copy of the list of complaints.

3. Eight cents for every necessary notice to any party complaining or complained against.

4. Three dollars for every day's attendance at the sittings of the Court. R.S.O. 1897, c. 7, s. 28.

28.—(1) The Judge shall have power to appoint a pro- per person to attend at the sitting of the Court; and the duties and powers of such person shall be as nearly as may be the same as those of a bailiff at a sitting of a Division Court. Appointment of constable.

(2) The person acting as constable shall be entitled to the following compensation; that is to say:— Constable's fees.

1. For every day's attendance, two dollars.

2. For the service of any process or notice, including the receipt and return thereof, and all other duties connected therewith when allowed by the Judge, a sum not exceeding ten cents per mile one way for each mile actually and necessarily travelled to effect such service. R.S.O. 1897, c. 7, s. 29.

29. The compensation to which the Clerk and Constable are respectively entitled shall be certified by the Judge and paid to the Clerk and Constable respectively by the Treasurer of the Municipality upon the production and deposit with him of the Judge's certificate. R.S.O. 1897, c. 7, s. 30. Payment of fees.

30. If the Judge who holds the Court is of opinion that any person has contravened sections 45 or 46 of this Act, Report by Judge as to frauds, etc.

or that frauds in respect to the assessment or the list have prevailed extensively in the municipality, he shall report the same to the Attorney-General, with particulars as to names and facts. R.S.O. 1897, c. 7, s. 31.

Amendments.

31. The Judge may amend any notice or other proceeding upon such terms as he may think proper. R.S.O. 1897, c. 7, s. 32. 5

Substitution of new appellant.

32. If an appellant or complainant dies or abandons his appeal or complaint, or having been on the alphabetical list made and posted by the Clerk as aforesaid, is afterwards found not to be entitled to be an appellant, the Judge may, in his discretion, allow any other person who might have been an appellant or complainant to intervene and prosecute the appeal or complaint, upon such terms as the Judge may think just. R.S.O. 1897, c. 7, s. 33. 10 15

Costs occasioned by errors may be ordered to be paid by persons responsible therefor.

33.—(1) If errors are found in the Voters' List on the revision thereof, in the omission of names, the inaccurate entry of names, or the entry of names of persons not entitled to vote, and it appears to the Judge that the Assessor or Clerk was blamable for any of the errors, the Judge may order (Form 16) the Assessor or Clerk respectively, to pay all costs occasioned by such error. 20

(2) In case of errors for which the Court of Revision is blamable, the Judge may order the municipality to pay the costs occasioned by such error. 25

(3) In all cases not herein provided for, the costs shall be in the discretion of the Judge. R.S.O. 1897, c. 7, s. 34.

Division Court costs only to be allowed.

34. The costs to be allowed on any proceeding under this Act shall be according to the lowest scale of costs in an action in a Division Court. R.S.O. 1897, c. 7, s. 35. 30

Liability of appellant for costs.

35. An unsuccessful appellant or complainant shall be liable to pay the witness fees only, unless, in the opinion of the Judge, a complaint or appeal is frivolous or vexatious, or has not been made in good faith, the Judge may order the appellant or complainant to pay in addition any other costs allowed by section 34. R.S.O. 1897, c. 7, s. 36. 35

Enforcing payment of costs.

36. Payment of costs may be enforced by an execution (Form 17) against goods and chattels, to be issued from the Division Court of the division within which the municipality or part thereof is situated, upon filing therein the order of the Judge, and an affidavit showing the amount at which the costs have been allowed and the non-payment thereof. R.S.O. 1897, c. 7, s. 37.

37. No affidavit or declaration which is sworn or acknowledged before a candidate for the Legislative Assembly or before a solicitor or agent for either party to the appeal or complaint, shall be used upon the revision of a voters' list. 61 V. c. 3, s. 2.

REFERENCE TO COURT OF APPEAL.

38.—(1) In order to facilitate uniformity of decision without the delay or expense of appeals,

(a) A Judge may state a case on any general question arising or likely to arise, and may transmit the same to the Lieutenant-Governor in Council, who may immediately refer the case to the Court of Appeal for the opinion of the Court; or

(b) The Lieutenant-Governor in Council may state a case on any such general question to the Court of Appeal, for a like opinion.

(2) Immediately upon the receipt of the case it shall be the duty of the Court to appoint a time and place for hearing argument, of which written notice shall be given by the Registrar of the Court posting up a copy of the notice in the Central Office at Osgoode Hall, in Toronto, at least ten clear days before the time appointed.

(3) At the time appointed the Court shall hear argument by such of the counsel present as the Court may think fit, and shall certify to the Lieutenant-Governor in Council the opinion of such Court thereon; and the opinion shall forthwith be published in the *Ontario Gazette*, and a copy of the opinion shall forthwith be sent to the Judge of every County Court. R.S.O. 1897, c. 7, s. 38.

39. The Court of Appeal may also give an opinion on any question at the instance of any voter, if the Court sees fit; and the proceedings with respect thereto shall be, as nearly as may be, the same as upon a case referred; but the Court or a Judge may require a deposit of money to cover the costs of hearing the question argued by counsel, and may require notice of the proceedings, or any of them, to be given to such person as the Court or Judge may direct. R.S.O. 1897, c. 7, s. 39.

LIABILITY FOR TAXES OF PERSONS WHOSE NAMES ARE ADDED.

40. If any person who is found entitled to be a voter at municipal elections is not assessed, or is insufficiently assessed, the Judge shall enter the name of such person on the roll together with other particulars required by *The Assessment Act* to be set opposite the name of the person assessed, including the value of the property or income in respect of

which the assessment is made which shall be determined by the Judge. Corresponding corrections shall be made by the Clerk on the Collector's roll.

FAILURE OF CLERK TO PERFORM HIS DUTIES.

Lists not vitiated by failure of clerk to perform duties.

41. The non-performance by the Clerk of any of his 5 duties under this Act within the times appointed, shall not affect the validity of any list. R.S.O. 1897, c. 7, s. 41.

Summary application if Clerk of Municipality fails to perform his duties.

42.—(1) In case the Clerk fails to perform any of his duties, the Clerk of the Peace shall forthwith apply summarily (Form 18) to the Judge to enforce the performance 10 of the same.

Application by voter.

(2) The application may also be made by any voter.

Proceedings by Judge.

(3) The Judge shall require (Form 19) the Clerk and any other person he sees fit, to appear before him and produce the assessment roll, and any documents relating 15 thereto, or to the list, and to submit to examination on oath, and may thereupon make such order and give such directions as he may deem proper.

Liability of clerk for costs.

(4) The Clerk shall pay the costs of the proceedings, unless on some special grounds the Judge shall otherwise 20 order, in which case the Judge may direct how and by whom the costs shall be paid.

Judge's order not to relieve clerk from penalty.

(5) The proceedings and order of the Judge shall not relieve the Clerk from the penalty hereinafter imposed. R.S.O. 1897, c. 7, s. 42. 25

Penalty for neglect of duties by clerk.

43. If the Clerk omits, neglects or refuses to perform any of the duties hereinafter required of him, for such omission, neglect or refusal, he shall incur a penalty of \$200. R.S.O. 1897, c. 7, s. 43.

Penalty for wilfully falsifying lists.

44. The wilful alteration of, omission from, incorrect 30 entry in, or falsification of a certified list or copy thereof shall be an offence; and any Clerk of a municipality, Clerk of the Peace or other person who commits such offence, or wilfully permits the same to be committed, shall incur a penalty of \$2,000. 35

COLOURABLE TRANSFER OF PROPERTY.

Colourable transfer of property in order to confer vote.

45.—(1) No person shall be a party to any instrument, or to any verbal arrangement, whereby a colourable qualification is conferred or sought to be conferred upon himself or any other person in order to enable him to be- 40 come a voter.

(2) Any person violating the provisions of this section, besides being liable to any other penalty prescribed in that behalf, shall incur a penalty of \$100.

(3) Any person who induces or attempts to induce another to commit an offence under this section, shall incur a like penalty. R.S.O. 1897, c. 7, s. 45.

CREATION OF FALSE VOTES.

46.—(1) To prevent the creation of false votes, where a person claims to be assessed, or to be entered or named in an assessment roll, or claims that another person should be assessed, or entered or named in an assessment roll as to entitle him to be a voter, and the assessor has reason to suspect that the person so claiming for or in respect to whom the claim is made, ought not to be so assessed, or so entered or named in the roll, it shall be the duty of the assessor to make reasonable inquiries before assessing, entering, or naming any such person in the assessment roll.

Assessor to make inquiries before assessing the person claiming to be assessed.

(2) Any person who wilfully and improperly enters or procures or causes to be entered the name of a person in an assessment roll, or assesses or procures or causes the assessment of a person at too high an amount, with intent to give to a person not entitled thereto, either the right or an apparent right to be a voter; or who wilfully enters, or procures or causes to be entered a fictitious name in an assessment roll, or who wilfully and improperly omits, or procures or causes to be omitted the name of a person from an assessment roll, or assesses, or procures or causes the assessment of a person at too low an amount, with intent to deprive a person of his right to be a voter, shall incur a penalty of \$200. R.S.O. 1897, c. 7, s. 48.

Penalty for improper insertion of names in roll.

RECOVERY OF PENALTIES AND FINES.

47.—(1) Any penalty mentioned in the next preceding four sections may be recovered with costs by any person suing for the same in any Court of competent jurisdiction. R.S.O. 1897, c. 7, s. 46.

Recovery of penalties.

(2) Actions for penalties incurred under this Act shall be tried by a Judge without a jury. R.S.O. 1897, c. 7, s. 47.

Trial of actions for penalties.

INSPECTION AND COPIES OF DOCUMENTS.

48. Any voter, and any agent of a voter may, at all reasonable times, and under reasonable restrictions, inspect and take copies of or extracts from assessment rolls, notices, complaints, applications, and other documents

Right to inspect and copy assessment rolls, etc.

Rev. Stat.
cc. 223 and 224.

and proceedings necessary or of use for the carrying out of the provisions of *The Municipal Act*, *The Assessment Act*, or of this Act; and the Clerk for the said purposes shall accord all reasonable facilities which may be consistent with the safety of the documents, and the rights and interests of all persons concerned, and shall in regard to the matters aforesaid be subject to the direction of the Judge. R.S.O. 1897, c. 7, s. 49.

Clerks to furnish copies of voters' lists.

49.—(1) The Clerk of the Peace and the Clerk of a Municipality having the custody of the list, shall furnish 10 to any person who may require the same a certified copy of the list, then last revised and certified, or of any portion thereof, to any person who may require the same, on being paid at the rate of four cents for every ten names on such list or portion thereof. 15

(2) If printed copies are furnished the fee for each copy shall be six cents, and all alterations made therein shall be verified by the initials of the officer furnishing such copy; and for every ten names in respect of which there are alterations or interlineations he shall be entitled to 20 be paid an additional fee of four cents.

Fees.

Rev. Stat.
cc. 9 and 223.

(3) For each copy of the list or of any of the parts thereof furnished to the Returning Officer, according to Form 6 in Schedule A to *The Ontario Election Act*, or according to Schedule C to *The Municipal Act*, the Clerk of the 25 Peace furnishing the same shall be entitled to receive the sum of six cents for every ten voters whose names are on such list or part as the case may be. R.S.O. 1897, c. 7, s. 50.

Copies of alterations made in lists by Judge to be given to applicants.

(4) In lieu of a copy of a list or portion thereof, the 30 Clerk of the Peace or the Clerk of the Municipality shall, if required, furnished a statement of the alterations and corrections made by the Judge, and the fees payable for such statement shall be at the rate of four cents for every ten names. R.S.O. 1897, c. 7, s. 51. 35

PART II.

PREPARATION OF WARD LISTS.

Preparation of list where roll returned and revised by wards.

50. Immediately after the return by the assessor of the assessment roll for any ward or subdivision of a ward, and without waiting for the revision and correction of the roll 40 by the Court of Revision or the Judge, the Clerk of every city to which the provisions of this Part applies, shall prepare and print the alphabetical list of voters for such ward or subdivision in the manner prescribed by Part I. 62 V. (2), c. 3, s. 3, part; 2 Edw. VII. c. 5, s. 1. 45

51. Forthwith after the preparation and printing of the last of such lists the clerk shall post up and distribute each of the said alphabetical lists for each such ward or subdivision in the manner prescribed by Part I., and forthwith after
 5 the Clerk has posted up the said lists in his office, he shall cause a notice to be inserted once a week for three weeks in each daily newspaper published in the city calling upon persons who are aware of errors or omissions in the said lists or of changes which have been rendered necessary by
 10 reason of the death or removal of any person named therein or by reason of any person having acquired the necessary qualifications as a voter since the return or final revision of the assessment roll for any such ward or subdivision of a ward to give notice of the same and shall name a time and
 15 place at which the Judge will hold the court for revising the lists for the whole city. The time for making complaints as to errors or omissions in the lists shall be within twenty-one days after the first publication of such notice.
 62 V. (2), c. 3, s. 3, part.

Posting up and distributing lists.

Notice of Court for hearing complaints.

20 52. The Judge shall so arrange and proceed, and so fix the sittings of the court for hearing complaints against or in respect of the lists that the complaints shall be heard and determined and the said lists finally revised and certified in manner provided by Part I. within ten days after
 25 the last day for making complaints and in any case before the twentieth day of December. 62 V. (2), c. 3, s. 3, part.

Time for final revision of lists.

53. If no complaint respecting any of the lists is received by the Clerk within twenty-one days after the first
 30 publication of such notice the Clerk shall forthwith apply to the Judge to certify three copies of each of the said lists as being the last revised list of voters for the ward or subdivision, and the Judge shall certify such three copies and retain one and deliver or transmit by post registered
 35 one to the Clerk of the Peace, and one to the Clerk of the Municipality to be kept by him among the records of his office. 62 V. (2), c. 3, s. 3, part.

Certifying lists where no complaint made.

54.—(1) If any complaints are made as aforesaid with respect to any of the lists within such period the Judge shall
 40 proceed as provided by section 21 of this Act, and sections 22 and 23 of this Act shall apply to the lists prepared under this Part.

Procedure where complaints are made.

(2) If the assessment roll is not finally revised before the final revision, and certifying of the lists by the Judge
 45 and upon appeal to the Judge from the court of revision alterations are made in the assessment roll affecting the right of any person to be entered on any of the lists, the Judge shall forthwith after the final revision of the roll

make out a list of such alterations and deliver the same to the Clerk, who shall make the corresponding changes in the certified copies of the revised list and the Judge shall initial the same. A copy of the list of alterations shall be posted up by the Clerk in his office. 62 V. (2), c. 3, s. 3, part; 2 Edw. VII. c. 5, s. 2.

Lists to form together the revised voters list for the city.

55. The lists as so revised, corrected and certified by the Judge shall together form from time to time the last revised Voters' List for the city within the meaning of this Act, *The Ontario Election Act* and *The Municipal Act*, 10 and the date fixed for the last day for making complaints to the Judge under section 53 shall be deemed to be the last day for making complaints to the County Court Judge within the meaning of any oath prescribed by any of said Acts and such date shall be inserted in any such 15 oath when the voting is upon a list prepared under this Part. 62 V. (2), c. 3, s. 3, part.

PART III.

LISTS IN TERRITORY WITHOUT MUNICIPAL ORGANIZATION.

Enumerators to be appointed.

56.—(1) The Lieutenant-Governor in Council may ap- 20 point Enumerators whose duty it shall be to prepare biennially the Voters' List for those parts of the Province without municipal organization.

(2) The Enumerators shall be selected from among the following:—

25

The Sheriff,
The Registrar of Deeds,
The Local Master of Titles,

The Clerk of the District or County Court of the County or District as the case may be in which the terri- 30 tory for which the Enumerator is appointed is situate, or the Police Magistrate having jurisdiction in such territory.

Oath enumerator.

57. Every Enumerator shall before entering upon his duties take an oath of office before a District or County Judge or Stipendiary Magistrate according to Form 20 to 35 this Act, which oath the Enumerator shall forthwith transmit to the Clerk of the Crown in Chancery. R.S.O. 1897, c. 7, s. 62.

Copy of Part and notice of preparation of list to be posted up.

58.—(1) So soon after the first day of June in each year in which lists are to be prepared under this Part, as may be 40 convenient, but not later than the first day of July, and whenever the preparation of a list is directed by Proclamation forthwith thereafter the Enumerator shall cause to be posted in a conspicuous manner throughout those parts of the territory for which he is appointed at every public and 45

separate school house, and at every statutory polling place, and at every other place which may be directed by the Lieutenant-Governor in Council a copy of this Part, and one or more printed notices in accordance with Form 21; and the Enumerator shall attend at the time and place mentioned in the notice. R.S.O. 1897, c. 7, s. 63; 4 Edw. VII. c. 10, s. 2.

(2) Provided that the Lieutenant-Governor in Council may by a proclamation direct that voters' lists for those parts of the Province without municipal organization or for any specified electoral district shall be prepared at an earlier date than that herein directed, and shall so direct when an election is about to be held and the lists to be used thereat would otherwise at the date of such election be more than one year old. R.S.O. 1897, c. 7, s. 61; 4 Edw. VII. c. 10, s. 1.

59. Not less than thirty days after the posting of such notices the Enumerators shall visit every part of the territory where by the statute or by proclamation of the Lieutenant-Governor in Council there is required to be a polling place, and shall ascertain the names, of all persons who are entitled to have their names entered on such lists, including any who may deliver to him an affidavit according to Form 22.

60. Save as otherwise provided the Judge and Enumerator, so far as the same are applicable to territory without municipal organization, shall respectively perform the duties assigned to the Clerk of a Municipality and the Judge by this Act elsewhere in the Province, and the forms and notices, and other proceedings, shall be the same as nearly as may be, and be taken at and within the same times and with the same effect as in case of lists elsewhere in the Province. R.S.O. 1897, c. 7, s. 64.

61. The list shall be in several parts, one part for each polling place, and the name of each voter shall be entered in that part, the polling place for which is most convenient for him.

62. The Enumerator shall on completion of his list attach thereto an affidavit, to be made before the District or County Judge or Stipendiary Magistrate, according to Form 23.

63. The non-performance by the Enumerator of any of his duties under this Act within the times appointed shall not affect the validity of any list.

Earlier preparation of lists.

Enumerator to ascertain who may vote.

Duties of Enumerator.

Proceedings.

List to be in part.

Enumerator to make affidavit.

List not invalidated by default of Enumerator.

APPEALS.

Appeal to
district or
county judge.

64.--(1) There shall be an appeal to the Judge in the same manner as elsewhere in the Province, and the Judge shall attend to hear the appeals at such places as may be convenient for the parties concerned, and shall give due notice thereof.

5

(2) A voter may also appeal with respect to the polling place at which his name is entered. R.S.O. 1897, c. 7, s. 68.

(3) At least thirty days' notice for the hearing of such appeals shall be given (Form 24) by publication in a news-¹⁰ paper published in the County or District and by posting as required under section 58 of this Act.

(4) The proceedings in respect of such appeals shall be, as nearly as may be, the same as upon appeals under Part I. R.S.O. 1897, c. 7, s. 69.

15

Certified list
to be de-
posited in cer-
tain offices.

65. If there is no appeal within 30 days, the Enumerator shall forthwith deposit in the office of the Sheriff, of the Stipendiary Magistrate, of the Police Magistrate and of the Clerk of the Peace, respectively, a copy of such list certified by the Judge. R.S.O. 1897, c. 7, s. 70.

20

Fees and
expenses.

66. An Enumerator for preparing and the Judge for re-
vising the lists required by this part shall be entitled to receive the sum of \$4 per day for the time during which he was engaged therein, and all reasonable personal expenses and disbursements. The expenses for preparing the lists under this Part and incidental thereto shall be paid out of any moneys which may be appropriated by the Legislature for that purpose. R.S.O. 1897, c. 7, s. 71.

25

67. The provisions of sections 41 and 42 shall apply to this Part.

30

OFFICERS NOT TO BE CANDIDATES.

Officers prepar-
ing list not to
be a candidate.

68. No Enumerator, and no person in whose office the list is deposited under section 65, shall be a candidate for election to the Legislative Assembly at any election for which the list prepared by the Enumerators or in the custody of such person is used. R.S.O. 1897, c. 7, s. 72.

35

Penalty for
neglect
Enumerator

69. If an Enumerator omits, neglects or refuses to perform any of the duties hereinbefore required of him, for each omission, neglect or refusal, he shall incur a penalty of \$200.

40

70. The wilful alteration of, omission from, incorrect entry in or falsification of any certified list or copy thereof shall be an offence, and any Enumerator, Clerk of the Peace, Sheriff, Police Magistrate or other person who commits such offence or wilfully permits the same to be committed shall incur a penalty of \$2,000.

Penalty for making false lists.

71.—(1) Any penalty mentioned in the next preceding two sections may be recovered with costs by any person suing for the same in any Court of competent jurisdiction.

Recovery of penalties.

10 (2) Actions for penalties incurred under the next two preceding sections shall be tried by a Judge without a jury.

VOTERS' LISTS PREPARED IN 1905.

72. Unless otherwise ordered by the Lieutenant-Governor nor in Council the operation of this part of this Act is suspended for two years from the 14th day of May, 1906.

Rev. Stat. c. 7, Part III. suspended for two years.

SCHEDULE OF FORMS.

FORM. 1.

(Sections 6, 7.)

FORM OF VOTERS' LIST.

Voters' List, 19 . Municipality of

SCHEDULE OF POST OFFICES.

- | | |
|-------------------|----------------------|
| 1. North Augusta. | 3. Wright's Corners. |
| 2. Maitland. | 4. Prescott. |

POLLING SUBDIVISION No. 1, COMPRISING, ETC. :—(Giving the limits.)

PART I.—Persons entitled to vote at BOTH Municipal Elections and Elections to the Legislative Assembly.

NO. ON ROLL.	NAME.	LOT.	CON. OR STREET.		POST OFFICE ADDRESS.
6	Anderson, Henry...	N W $\frac{1}{2}$ 6	3	M.F. and Owner	1
14	Andrews, John	W 14 acres 8	1	M.F. and Tenant	4
1	Archer, James.....	2	9	M.F. and Income	4
50	Brown, Simon.....	W $\frac{1}{2}$ 9	2	M.F. and F.S.	3
71	Burton, Samuel....	E $\frac{1}{2}$ 17	4	See Subdiv. No.	2
	Etc.	Etc.	Etc.	Etc.	Etc.

PART II.—Persons entitled to vote at Municipal Elections ONLY.

NO. ON ROLL.	NAME.	LOT.	CON. OR STREET.		POST OFFICE ADDRESS.
4 82	Archer, Henry..... Burk, Edmund..... Etc.	4 W ½ 17 Etc.	3 4 Etc.	Owner. Farmer's Son. Etc.	2 3 Etc.

PART III.—Persons entitled to vote at Elections to the LEGISLATIVE ASSEMBLY ONLY.

NO. ON ROLL.	NAME.	LOT.	CON. OR STREET.		POST OFFICE ADDRESS.
43 8	Acroyd, James..... Amos, Joseph..... Etc.	N ½ 3 3 Etc.	4 7 Etc.	M. F. M. F. Etc.	3 3 Etc.

POLLING SUBDIVISION No. 2, COMPRISING, Etc. :—(*Giving the limits.*)
Etc., Etc., Etc.

R.S.O. 1897, c. 7, Form 1.

FORM 2.

(Section 10.)

CERTIFICATE TO BE ENDORSED ON VOTERS' LIST.

I, A. B., Clerk of the Municipality of _____, in the County of _____, do hereby certify that Parts 1 and 3 of the within (or above) list constitute a correct list for the year 19 ____ of all persons appearing by the last revised Assessment Roll of the said Municipality to be entitled to vote at Elections for Members of the Legislative Assembly; and that Parts 1 and 2 constitute a correct list for the said year of all persons appearing by the said Roll to be entitled to vote at Municipal Elections in the said Municipality; and I hereby call upon all voters to take immediate proceedings to have any omissions or errors corrected according to law.

Dated this _____ day of _____

A. B.,
Clerk of

R.S.O. 1897, c. 7, Form 2.

FORM 3.

(Section 12.)

CLERK'S NOTICE OF FIRST POSTING OF VOTERS' LIST.

Voters' Lists, 19 ____—Municipality of the _____ of
County of _____

Notice is hereby given, that I have transmitted or delivered to the persons mentioned in sections 8 and 9 of *The Ontario Voters' Lists Act*, the copies required by said sections to be so transmitted or

delivered of the list, made pursuant to said Act, of all persons appearing by the last revised Assessment Roll of the said Municipality to be entitled to vote in the said Municipality at Elections for Members of the Legislative Assembly and at Municipal Elections; and that the said list was first posted up at my office at _____, on the _____ day of _____, 19____, and remains there for inspection.

And I hereby call upon all voters to take immediate proceedings to have any errors or omissions corrected according to law.

Dated, etc.

A. B.,
Clerk of

R.S.O. 1897, c. 7, Form 3.

FORM 4.

(Section 13, Subsec. 6).

AFFIDAVIT FOR VOTER OF TOWNSHIP APPLYING TO BE ENTERED ON THE LIST.

I, of the Township of _____, of the County of _____, make oath and say:—

That I am (or that _____ is to my personal knowledge) a British subject by birth (or naturalization), and I am not a citizen or a subject of any foreign country, and that I am (or the said _____ is) not a citizen or a subject of any foreign country, and I have (or the said _____ has) resided in the Province of Ontario for nine months preceding the 15th day of February last, and that I am (or the said _____ is) entitled to be entered on the Voters' List for the Township of _____ as owner (or tenant, or as the case may be) of the following property (here set out description of property in a concise manner).

I am (or the said _____ is) of the full age of twenty-one years and not disqualified under *The Ontario Voters' Lists Act* or otherwise by law prohibited from voting at elections for the Legislative Assembly of Ontario.

Sworn before me at _____ in
the County of _____ this
day of _____ 190____.

(Signature of Voter).

(Signature Justice of the Peace).

(This oath may be taken before a Justice of the Peace, Commissioner for taking Affidavits or Notary Public).

FORM 5.

(Section 16, Subsec. 1).

VOTERS' NOTICE OF COMPLAINT.

To the Clerk of the Municipality of the _____ of _____

I, *James Smith*, a voter (or person entitled to be entered on the list for the Electoral District of _____, in which the said municipality is situated, complain (state the names of the persons in respect to whom complaint is made, and the ground of complaint touching each person—or set forth in lists as follows, varying according to circumstances) that the persons whose names are set forth in the subjoined list No. 1 are entitled to be voters in the said Municipality, as shewn in said list, but are omitted

from the Voters' List:—That the persons whose names are mentioned in the first column of the subjoined list No. 2 are wrongly stated in the Voters' List:—That the persons whose names are set forth in the first column of the subjoined list No. 3 ought not to have been entered on the Voters' List:—And that there are errors in the description of the property in respect to which the names are entered on the Voters' List (*or stating other errors*), as shewn in the subjoined list No. 4:—And take notice, that I intend to apply to the Judge in respect thereof, pursuant to the statute in that behalf.

Dated the day of , 19 .

JAMES SMITH,
Residence—Township of *Beby*.

Lists of Complaints mentioned in the above Notice of Complaints.

LIST No. 1 (*shewing voters omitted from or not entered on the Voters' List*).

NAMES OF PERSONS.	GROUND ON WHICH THEY ARE ENTITLED TO BE ON THE VOTERS' LIST.
James Tupper.....	Tenant to John Fraser, of N. $\frac{1}{2}$ lot 1, 2nd Con.
Simon Beaucherk..	Manhood Franchise Voter.
Angus Blain.....	Assessed too low—property worth \$

LIST No. 2 (*shewing voters wrongly named in Voters' List*).

NAMES OF PERSONS.	POLLING SUB-DIVISION.	PART OF LIST.	THE ERRORS IN STATEMENT UPON VOTERS' LIST.
Joshua Townsend.	2	1	Should be <i>Joseph Townsend</i> .
John McBean.....	4	1	Should be John McBean <i>the younger</i> .
S. Connell.....	3	2	Should be <i>Simon O'Connell</i> . etc., etc.

LIST No. 3 (*shewing persons wrongfully inserted in the Voters' List*).

NAMES OF PERSONS.	POLLING SUB-DIVISION.	PART OF LIST	STATEMENT WHY WRONGFULLY INSERTED IN VOTERS' LIST.
Peter White.....	4	1	Died before final revision of roll.
John May.....	3	2	Not entitled to Manhood Franchise.
David Walters....	2	2	Assessed too high—property worth under \$ etc., etc.

LIST No. 4 (*showing voters whose property or qualification is erroneously described in Voters' List, etc.*)

NAMES OF PERSONS.	POLLING SUB-DIVI- SION.	PART OF LIST.	ERRORS IN RESPECT TO PROPERTY OR OTHERWISE STATED
Stephen Washburn	2	2	Name should be in Sub-division No. 2.
Thomas Gordon...	3	1	Property should be W. $\frac{1}{2}$ lot 7, in 3rd Con.
Ronald Blue.....	4	2	Should be described as owner, not tenant.

R.S.O. 1897, c. 7, Form 6.

FORM 6.

(Section 16.)

CLERK'S REPORT IN CASE OF APPEALS AND COMPLAINTS TO THE JUDGE.

To His Honour the Judge of the County Court of the County of

The Clerk of the Municipality of reports that the several persons mentioned in column 1 of the subjoined Schedule, and no others, have given to him written notice complaining of errors or omissions in the Voters' List for the said Municipality for 19 , on the grounds mentioned in column 2 of the said Schedule, and that such notices were received respectively at the dates set down in column 3 of the said Schedule.

Dated, etc.

A. B.,
Clerk of

Schedule..

1 NAME OF COMPLAINANTS.	2 ERRORS OR OMISSIONS COMPLAINED OF.	3 DATE WHEN NOTICE OF COMPLAINT RECEIVED BY CLERK.

R.S.O. 1897, c. 7, Form 7.

FORM 7.

(Section 16.)

JUDGE'S ORDER APPOINTING COURT FOR HEARING COMPLAINTS AND
APPEALS.

To , Clerk of the Municipality of the

I appoint the of 19 , at the
hour of at in the said county, for holding a
Court to hear and determine the several complaints of errors and

omissions in the said Voters' List, for the Municipality of _____, for 19 _____.

I direct that the Assessor for the Municipality shall attend the sittings of the said Court, and that the Assessment Roll and the minutes of the Court of Revision for the Municipality for 19 _____, be produced thereat.

Dated _____ day of _____ 19 _____.

Judge C. C.

R.S.O. 1897, c. 7, Form 8.

FORM 8.

(Section 17.)

NOTICE TO BE POSTED BY CLERK IN HIS OFFICE WITH LIST OF COMPLAINTS.

Notice is hereby given, that a Court will be held, pursuant to *The Ontario Voter's Lists Act*, at _____, on the _____ day of _____ 19 _____, at _____ o'clock, for hearing all complaints made against the Voters' List for the Municipality of _____ for 19 _____, particulars of which complaints are shown in the subjoined Schedule.

Dated, etc.

A. B.,

Clerk of

SCHEDULE.

NAME OF PARTY COMPLAINING.	NAME OF PERSON IN RESPECT TO WHOM APPEAL WAS MADE.	GROUND OF COMPLAINT ALLEGED.

R.S.O. 1897, c. 7, Form 9.

FORM 9.

(Section 16.)

CLERK'S ADVERTISEMENT OF COURT IN NEWSPAPER.

Notice is hereby given that a Court will be held, pursuant to *The Ontario Voters' Lists Act*, by His Honour the Judge of the County Court of the County of _____, at _____, on the _____ day of _____ 19 _____, at _____ o'clock, to hear and determine complaints of errors and omissions in the Voters' List of the Municipality of _____ for 19 _____.

Dated, etc.

A. B.,

Clerk of

R.S.O. 1897, c. 7, Form 10.

FORM 10.

(Section 16.)

CLERK'S NOTICE TO PARTY COMPLAINING.

The Ontario Voters' Lists Act.

You are hereby notified that a Court of Revision of the Voters' List, 19 , for the Municipality of will be held by the Judge of the County Court of the County of at on the day of 19 at o'clock, at which Court all complaints will be heard and determined. A list of said complaints is posted up in and you are hereby required to appear at such Court; and take notice, that the Judge may proceed to hear and determine the complaints, whether the parties complaining appear or not.

By order of His Honour the Judge of the County Court of the County of

Dated day of 19 .

To

A person complaining of error in the
Voters' List. }

A. B.,

Clerk of the Municipality of , and
of the Court.

R.S.O. 1897, c. 7, Form 11.

FORM 11.

(Section 17.)

CLERK'S NOTICE TO PARTY COMPLAINED AGAINST.

The Ontario Voters' Lists Act.

You are hereby notified that a Court for the Revision of the Voters' List, 19 , for the Municipality of , will be held by the Judge of the County Court of the County of at on the day of 19 at o'clock, and you are required to appear at the said Court, for that has complained that your name is wrongly inserted in the said Voters' List because (*state matter of complaint concisely*). A list of all complaints lodged is posted up in ; and take notice, that the Judge may proceed to hear and determine the said complaint, whether you appear or not.

By order of his Honour the Judge of the County Court of the County of

To

Entered on Voters' List.

A. B.,

Clerk of the said Municipality, and
of the Court.

R.S.O. 1897, c. 7, Form 12.

FORM 12.

(Section 17, Subsec. 1.)

SEAL.

SUBPENA.

ONTARIO :
County of
To Wit.

EDWARD THE SEVENTH, by the Grace of
God, of the United Kingdom of Great
Britain and Ireland and of the British
Dominions beyond the Seas, King,
Defender of the Faith, Emperor of
India.

To

Greeting :

We command you, that, all excuses being laid aside, you be and
appear in your proper person before our Judge of our County Court
of the County of , at , on the
day of , 19 , at o'clock in the noon,
at a Court appointed, and there and then to be held, for hearing
complaints of errors in the Voters' List for 19 , of the Municipality
of the of , in the County of ,
and for revision of the said Voters' List, then and there to testify
to all and singular those things which you know in a certain matter
(or matters) of complaint made and now depending before the said
Judge, under *The Ontario Voters' Lists Act*, wherein one
is complainant, and which complaint is to be tried at the said Court.
Herein fail not.

Witness, His Honour , Judge of our said Court at
the day of , in the year of our Lord 19 .

Clerk.

A. B.,

R.S.O. 1897, c. 7, Form 13.

FORM 13.

(Section 20.)

REPORT OF CLERK WHEN APPLYING FOR CERTIFICATE UNDER
SECTION 20.

To the Judge of the County Court of the County of

I, , Clerk of the Municipality of , in the
said County of , do hereby certify as follows :

That I did, on the day of 19 , post up,
and for a period of thirty days next thereafter did keep posted up
in a conspicuous place in my office at , a correct printed
copy of the Voters' List for the Municipality of
for 19 , made in pursuance of *The Ontario Voters' Lists Act*,
with the certificate required by section 10 of the said Act endorsed
thereon.

That I did also deliver or transmit by post, by registered letter,
or by parcel post, registered, the required number of similar
printed copies of the List, with my certificate endorsed, to each
of the persons entitled to the same under section 8 of said Act.

That I did on the day of 19 , cause to be
inserted in the newspaper called the " " published
in , the notice required by section 12 of the said
Act.

That no person gave me nor did I receive, within thirty days after I had posted up the List in my office, any written notice of complaint or intention to apply to the Judge in respect to the List.

And that to the best of my knowledge and belief, I have complied with all the requirements of the said Act, so as to entitle me to apply for certified copies under section 20, and I now apply to you to certify three of the copies of the List received by you as being the Revised List of Voters for the municipality of the said
of for 19 .

Witness my hand this day of 19 .

Clerk of the Municipality of

.....P. O.

R.S.O. 1897, c. 7, Form 14.

FORM 14.

(Section 20.)

CERTIFICATE WHERE NO COMPLAINTS.

A. B., Clerk of the Municipality of the _____, having certified under his hand that no complaint respecting the List of Voters for said municipality, for the year, 19____, had been received by him within thirty days after the first posting up of the same; and on application of the Clerk,

I, _____, Judge of the County Court of the County of _____, in pursuance of the provisions of *The Ontario Voters' List Act*, certify that the annexed printed List of Voters, being one of the copies received by me from the Clerk, under section 8 of the said Act, is the Revised List of Voters for the said Municipality for the year 19__.

Given under my hand and seal, at _____, this _____ day
of _____, 19 _____.

Judge.

R.S.O. 1897, c. 7, Form 15.

FORM 15.

(Section 21.)

CERTIFICATE OF JUDGE WHEN COMPLAINTS HAVE BEEN MADE.

I, _____, Judge of the County Court of the County of _____, pursuant to section 21 of *The Ontario Voters' Lists Act*, do hereby certify that the above *(as the case may be)* is a correct copy of the List of Voters, for the year 19____, received by me from the Clerk of the Municipality of the _____ of _____, according to my revision and correction thereof, pursuant to the provisions of the said Act.

Dated at _____, this _____ day of _____, 19____.

Judge.

R.S.O. 1897, c. 7, Form 17.

FORM 16.

(Section 33, Subsec. 1.)

ORDER FOR PAYMENT OF COSTS.

The Ontario Voters' Lists Act.

In the matter of the Voters' List for the Municipality of 19 , on the complaint or appeal of A. B., complaining of the name of C. D. being wrongly inserted in the said list (or, as the case may be, stating in brief the nature of the complaint.)

On proceedings taken before me I find and adjudge that the name of the said C. D. was rightly inserted in the said list (or, was wrongly inserted in the said list) and order that the said A. B. do pay the said C. D. his costs occasioned by the said complaint (or, and order that the said C. D. shall pay the said A. B. his costs incident to the said complaint:—or, and order that E. F., the Assessor of the said Municipality, do pay the said A. B. his costs incident to the said complaint,—or as the case may be, stating it in brief), which I fix at the sum of \$

Dated at , this . day of , 19 .

Judge.

R.S.O. 1897, c. 7, Form 18.

FORM 17.

(Section 36.)

WRIT OF EXECUTION.

EDWARD THE SEVENTH, by the Grace of God, of the United Kingdom of Great Britain and Ireland, and of the British Dominions beyond the Seas, King, Defender of the Faith, Emperor of India.

To the Bailiff of the Division Court of the County of ,
Greeting:

We command you that of the goods and chattels in your bailiwick of C. D., you cause to be made \$, for certain costs which lately by an order of His Honour , Judge of the County Court of , dated the . day of , 19 , were ordered to be paid by the said C. D. to A. B., as and for his costs sustained by him on the trial of a complaint against the Voters' List for the Municipality of , in the said County, for 19 , made and prosecuted under the provisions of *The Ontario Voters' Lists Act*, which said costs have been taxed and allowed at the said sum, as appears of record; and have that money before Our Judge of Our said Court at immediately after the execution hereof; and in what manner you shall have executed this Our writ, make appear to Our Judge aforesaid at immediately after the execution thereof, and have you there then this writ.

Witness, His Honour , Judge of Our said Court, at
 , the . day of , in the year of our
Lord 19 .

A. B.,

Clerk of the Division
Court of the County of

R.S.O. 1897, c. 7, Form 19.

FORM 18.

(Section 42, Subsec. 1.)

APPLICATION TO JUDGE AGAINST DELINQUENT CLERK.

Pursuant to section 42 of *The Ontario Voters' Lists Act*, I, A. B., Clerk of the Peace for the County of _____ (or, a person entitled to be entered on the Voters' List for the Municipality of _____, for 19____,) hereby inform His Honour the Judge of the County Court of the said County, that C. D., Clerk of the Municipality of _____, in the said County, has failed to perform the duties required of him as such Clerk by the said Act, in this, that he has not made out the Alphabetical List of Voters for 19____, for the said Municipality, within thirty days after the final revision and correction of the Assessment Roll thereof (or, has not delivered or transmitted printed copies of the Voters' List for the said Municipality, for 19____, to _____ and _____ or to any of them, or, as the case may be, stating in brief the duty not performed), according to the requirements of the Act; and I apply to you to enforce the performance of the duties aforesaid.

Dated at _____, this _____ day of _____ 19____.
A. B.,
Clerk of the Peace.

R.S.O. 1897, c. 7, Form 21.

FORM 19.

(Section 42, Subsec. 3.)

SUMMONS.

The Ontario Voters' Lists Act.

In the matter of the Voters' List for the Municipality of _____ in the County of _____, for 19____.

Whereas it appears by the application of A. B., the Clerk of the Peace for the said County, (or, a person entitled to be entered on the said List), made to me, in pursuance of the said Act, that you have failed to perform certain duties required of you by the said Act, in this, that you have not made out the Alphabetical List of Voters for 19____, for the said Municipality, within thirty days after the final revision and correction of the Assessment Roll thereof (or, as the case may be, following the application); and whereas the said A. B. has applied to me to enforce the performance of the duties aforesaid;

You are hereby required to appear before me at _____ in _____, on the _____ day of _____ 19____, at the hour of _____, and produce before me the Assessment Roll for 19____, for the said Municipality, and any documents in your custody, power or control, relating to the Assessment Roll, or to the List aforesaid; and submit yourself for examination on oath.

Dated this _____ day of _____ 19____.
To C. D.,
Clerk of the Municipality of _____
Judge.

R.S.O. 1897, c. 7, Form 22.

FORM 20.

(Section 57.)

OATH OF ENUMERATOR PREPARING VOTERS' LISTS IN UNORGANIZED TERRITORY.

I, _____ of the _____ of _____ in the district of _____ and Province of _____, the enumerator whose duty it is under *The Ontario Voters' Lists Act* to prepare the Voters' Lists in and for the electoral district (or portion of the electoral district, *describing such portion*) of _____ in the Province of _____, do hereby solemnly swear that I will well and faithfully discharge the duties assigned to me by the said Act without favour or partiality; that I will place no name on the list of voters for the said electoral district (or portion of the said electoral district) or any of the polling districts thereof, and will strike no name off the same, unless I shall be satisfied that such name should by law be placed on or struck off such list; and that I will in all respects, to the best of my ability, conform to the said Act and to the law, So help me God.

Sworn before me, at the _____ of _____ in the _____ of _____, and Province of _____ this _____ day of _____

A.D. 19 ____

(District or County Judge, or Stipendiary Magistrate,
as the case may be.)

R.S.O. 1897, c. 7, Form 24.

FORM 21.

(Section 58.)

Take notice that _____ (*here insert the name of the Enumerator*) will be in attendance at _____ (*here insert the place*) from ten o'clock in the forenoon till four o'clock in the afternoon on the _____ days of _____ 19____, to enroll the names of all persons qualified to vote for members of the Legislative Assembly.

Appeals with respect to the omission of voters or the improper enrolment of any alleged voter or as to any error made by the Enumerator as to the place at which a voter may vote may be made to _____ (*here insert the name of the County or District Judge, as the case may be*).

(Signed)

Enumerator.

Dated at _____, this _____ day of _____ 19____,

R.S.O. 1897, c. 7, Form 23.

FORM 22 (a).

(Section 59.)

FORM OF AFFIDAVIT BY A PERSON CLAIMING TO BE PLACED ON THE VOTERS' LIST.

I, _____, make oath and say as follows:—
I am a British subject by birth (or naturalization) and I am not a citizen or a subject of any foreign country, and I have resided

in the Province of Ontario for the nine months next preceding the day of , in the present year (*the day to be filled in here is the first day of June or the date fixed by proclamation for commencing to prepare the list for the Electoral District of*).

I was at the said date in good faith a resident of and domiciled in (*giving name of municipality or place for which the lists are to be prepared*) and I have resided therein continuously from the said date, and I now reside therein at (*here give the deponent's residence with as much particularity as is practicable*).

I am of the full age of 21 years and am not disqualified under *The Ontario Voters' Lists Act* or otherwise by law prohibited from voting at elections for the Legislative Assembly of Ontario.

Sworn before me at in }
the county of this day } *Signature of Voter*
of 190 . }

Signature of Justice of the Peace.

(*This oath may be taken before the Enumerator or before any Justice of the Peace, Commissioner for taking Affidavits or Notary Public*).

FORM 22 (b).

(*Section 59*).

FORM OF AFFIDAVIT FOR SAME PURPOSES AS FORM 22 (a) WHEN THE PERSON HAS BEEN TEMPORARILY ABSENT.

I, , make oath and say as follows:—

I am a British subject by birth (*on naturalization*), and I am not a citizen or subject of any foreign country, and I have resided in the Province of Ontario for the nine months next preceding the day of , in the present year (*the date to be filled in here is the first day of June or the date fixed by proclamation for commencing the preparation of the lists for the Electoral District of*).

I was at the said date in good faith a resident of and domiciled in (*giving the name of the municipality or place for which the lists are to be prepared*) and have resided therein continuously (*here give deponent's residence with as much particularity as is practicable*), and I have not been absent from Ontario during the said nine months except occasionally or temporarily in the prosecution of my occupation as (*mentioning the occupation, namely, a lumberman, or a mariner, or a fisherman, or a student in attendance in any institution of learning in the Dominion of Canada, naming the Institution*).

I am of the full age of 21 years and am not disqualified under *The Ontario Voters' Lists Act* or otherwise by law prohibited from voting at elections for the Legislative Assembly of Ontario.

Sworn before me at in }
the county of , this day of 190 . } *Signature of Voter.*

Signature of Justice of the Peace.

(*This oath may be taken before the Enumerator or any Justice of the Peace, Commissioner for taking Affidavits or Notary Public*).

FORM 23.

(Section 62).

I, _____, make oath and say:—

1. That I have set down in the Voters' List for _____ (*describe the territory for which the deponent is Enumerator*) according to the best of my information and judgment the name of every person entitled to be entered thereon.

2. That I have not entered upon the said List the name of any person which I have any reason to believe ought not to be entered thereon.

3. That I have not intentionally omitted from the said List the name of any person which I had any reason to believe ought to be entered thereon.

4. That I have to the best of my knowledge and belief discharged the duties required of me by *The Ontario Voters' Lists Act*.

Sworn before me at _____ in the District of _____, this
day of _____ 190 _____.

County (or District) Judge.

FORM 24.

(Section 64).

ONTARIO VOTERS' LISTS ACT.

Take notice that the undersigned will be in attendance at
(*here insert the place*) at _____ o'clock, on the
day of _____, to hear appeals with respect to the Voters'
Lists for the Electoral District of _____

(*District or County Judge, as the case may be*).

R.S.O. 1897, c. 7, Form 25.

3rd Session, 11th Legislature,
7 Edward VII., 1907.

BILL.

An Act to consolidate and amend the Act
respecting Voters' Lists.

First Reading, 26th March, 1907.

Mr. FOY.

TORONTO:

PRINTED BY L. K. CAMERON,

Printer to the King's Most Excellent Majesty.

An Act to consolidate and amend the Act respecting
Voters' Lists.

SHORT TITLE, s. 1.

INTERPRETATION, s. 2.

RULES AND FORMS, ss. 3. 4:

APPLICATION OF PARTS I., II.,
and III., s. 5.

PART I.—APPLYING TO ALL
MUNICIPALITIES, ss. 6-49.

ALPHABETICAL LIST OF VOTERS TO
BE MADE BY CLERK, ss. 6, 7.

DISTRIBUTION AND POSTING UP
COPIES OF LIST, ss. 8-12.

REVISION OF LIST—

Who may complain and on
what grounds, ss. 13, 14.

Powers and duties of Judge,
ss. 15, 25, 30, 31.

Procedure, ss. 16, 18.

List to be certified by Judge,
ss. 19-21.

Striking off names of persons
subsequently dying, ss. 22.

Effect of certified list, s. 23.

Municipality to provide Court
Room, s. 24.

Clerk—

duties generally, s. 26.

remuneration, ss. 27, 30.

Constables, their duties and
fees, ss. 28, 30.

Report by Judge as to frauds,
s. 30.

Amendment of proceedings, s.
31.

Substitution of new complain-
ant, s. 32.

Costs of complaints, ss. 33-36.

Affidavit made before candi-
dates or agents, s. 37.

Obtaining opinion of Court of
Appeal, ss. 38, 39.

PERSONS ADDED ON LISTS TO PAY
TAXES, s. 40.

LIST NOT INVALIDATED BY FAIL-
URE OF CLERK TO PERFORM
DUTIES, ss. 41, 42.

PENALTIES AND FINES—

Neglect of Clerk, s. 43.

Wilful alteration of list, s. 44.

Colourable transfer of pro-
perty to confer vote, s. 45.

Recovery of fines and penal-
ties, s. 47.

Fraudulent entry of names, s.
46 (2).

ASSESSOR TO MAKE INQUIRIES BE-
FORE ENTERING NAMES, s.
46 (1).

COPIES OF LISTS AND OF ALTERA-
TIONS, ss. 48, 49.

PART II.—APPLYING TO CITIES
TAKING ASSESSMENT BEFORE
30TH SEPTEMBER.

PREPARATION AND POSTING OF
LISTS FOR WARDS, ETC., ss.
50, 51.

TIME FOR MAKING COMPLAINTS, s.
51.

PROCEDURE, ss. 52-55.

WHEN WARD LIST TO BE REVISED,
ss. 53, 54.

FINAL REVISION FOR WHOLE CITY,
s. 54.

EFFECT OF LIST AS FINALLY
REVISED, s. 55.

PART III.—APPLYING TO TERRI-
TORY WHERE NO ASSESSMENT
ROLL, ss. 56-72.

WHO TO PREPARE LISTS, s. 56.

NOTICE OF PREPARING LIST, s. 58.

MODE OF PREPARING, ss. 59-63.

APPEALS, s. 64.	PENALTY FOR MISCONDUCT, ss. 69-71.
LIST TO BE CERTIFIED, s. 65.	LIST ALREADY PREPARED, HOW
EXPENSES, HOW PAID, s. 66.	LONG TO CONTINUE VALID, s.
OFFICERS PREPARING LIST INELIGIBLE AS CANDIDATES, s. 68.	72.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short title. 1. This Act may be cited as "*The Ontario Voters' Lists Act.*" R.S.O. 1897, c. 7, s. 1.

INTERPRETATION.

Interpretation. 2. Where the words following occur in this Act, they shall be construed in the manner hereinafter mentioned, unless a contrary intention appears:—

"Voter." (1) "Voter" as meaning a person entitled to be a voter, or to be named in the voters' list as qualified to be a voter either at an election of a member of the Legislative Assembly within the meaning of *The Ontario Election Act*, or at any municipal election, as the case may be;

"Scrutiny." (2) "Scrutiny" as meaning any scrutiny of the votes polled at an election within the meaning of section 76 and the next succeeding nine sections of *The Ontario Controverted Elections Act*;

"Judge." (3) "Judge" as meaning the Judge of the County or District Court for the County or District within which the municipality for which the Voters' List is made lies; and

Jurisdiction of District Judges. (4) Every Judge of a District Court, within his District, shall, for the purposes of this Act, have the jurisdiction and powers of a County Judge acting in his County. R.S.O. 1897, c. 7, s. 2 (4); 62 V. (2), c. 11, s. 2.

Where there are more county judges than one. (5) Where there are more County or District Judges than one, a Junior Judge may, in case of the illness or absence or at the request of the Judge, perform the duties assigned by this Act to a County Judge.

Deputy-judge not to deal with lists without special authority. (6) A Deputy-Judge shall not have power to deal with any matter connected with any of the lists mentioned in this Act, unless so authorized by the Lieutenant-Governor in Council. R.S.O. 1897, c. 7, s. 2 (1)-(3).

RULES AND FORMS.

Board of County Judges may make rules. 3. The Board of County Judges may, if requested so to do by the Lieutenant-Governor, frame Rules and Forms of procedure for the purpose of better carrying this Act

into effect, and such Rules and Forms shall, when approved by the Lieutenant-Governor in Council, have the same effect and force as if they formed part of this Act. R.S.O. 1897, c. 7, s. 3.

4. In carrying into effect the provisions of this Act, the Use of forms, Forms set forth in the Schedule, or Forms to the like effect, may be used. R.S.O. 1897, c. 7, s. 4.

APPLICATION OF PARTS I., II., AND III.

5.—(1) The provisions in Part I. shall apply to towns, ships, incorporated villages and towns; and except as varied by Part II. of this Act and by *The Manhood Suffrage Registration Act*, to cities. Application of Parts I., II., and III. of Act.

(2) The provisions contained in Part II. shall apply to every city in which a by-law shall have been passed for taking the assessment at any time prior to the 30th day of September, and fixing separate dates for the return and final revision of the assessment rolls for each ward or subdivision of a ward as defined in the by-law.

(3) The provisions in Part III. shall apply to every portion of the Province not comprised in an organized municipality. R.S.O. 1897, c. 7, s. 5, (*and see 1 Edw. VII c. 12, s. 3*).

PART I.

ALPHABETICAL LISTS OF VOTERS AND COPIES.

6.—(1) The Clerk of each Municipality shall, immediately after the final revision and correction of the assessment roll in every year, make a correct alphabetical list in three parts (Form 1) of all persons appearing by the assessment roll to be voters, prefixing to the name of each person his number upon the roll. Clerk to make lists of voters in three Parts.

(2) The first of the three parts shall contain the names, First Part. in alphabetical order, of all male persons appearing by the assessment roll to be voters at both Provincial and municipal elections.

(3) The second part shall contain the names, in alphabetical order, of all other male persons, and of all widows and unmarried women appearing by the assessment roll to be voters at municipal elections but not at Provincial elections. Second Part.

(4) The third part shall contain the names, in alphabetical order, of all other male persons, appearing by the assessment roll to be voters at Provincial but not at municipal elections. Third Part.

Name to be entered once only.

(5) The name of the same person shall not be entered more than once.

Lists for polling subdivisions.

(6) Where a municipality is divided into polling subdivisions lists shall be made for each subdivision.

Where qualification under R.S.O. c. 9.

(7) In the case of a person qualified to vote at Provincial elections, the Clerk shall, opposite the name of such person, in the proper column, *insert* the words "Manhood Franchise," or the letters "M.F."

Where qualification in respect of real property.

(8) Where the qualification of a person to be a voter at a municipal election is in respect of real property, the Clerk shall, opposite the name of such person, insert, in the proper column the number of the lot or other proper description of the parcel of real property in respect of which such person is so qualified; adding thereto where the person is so qualified in respect of more than one lot or parcel, the words "and other premises."

Where qualification that of a farmer's son. Rev. Stat. c. 223.

(9) In the case of a person being a farmer's son, the Clerk shall insert opposite his name, in the proper column, the words "Farmer's Son," or the letters "F.S."

Occupation of voter to be entered in list.

(10) In a township, town or village the Clerk shall opposite the name of each person state his occupation in a column for that purpose.

Entry where voter assessed in several divisions of same ward.

(11) Where a ward is divided into polling subdivisions, and it appears by the assessment roll that a person is assessed in each of two or more polling subdivisions for property sufficient to entitle him to be a voter at a municipal election, the Clerk shall enter his name in the list for one subdivision only, and shall insert opposite his name the words "and other premises;" and where to the knowledge of the Clerk, *the* person resides in one of the subdivisions, his name shall be entered *on* the list for that subdivision.

Provision where property partly in one subdivision and partly in another.

(12) Where it appears by the assessment roll that a person is assessed for property within the municipality sufficient to entitle him to be a voter at a municipal election, but that *the* property lies partly within one subdivision and partly within another or others, the Clerk shall enter *the name of such person* on the list of voters in only one of the subdivisions in which the property is situate, with the following words added: "Partly qualified in subdivision No. ."

Income qualification.

(13) If the qualification to be a voter at a municipal election is in respect of income, the Clerk shall, in the proper column, state that fact, and the place at which the voter resides in the municipality.

(14) Where the word Freeholder or the letter F, or the word Tenant or the letter T appears in the assessment roll opposite the name of a person entitled to be entered on the list, such word or letter shall be placed opposite the name of such person.

Entry in list of persons assessed as freeholder or tenant.

(15) No person shall be entered on a Voter's List for a city by virtue of a qualification under *The Ontario Election Act* unless he is entitled to vote also at municipal elections and no list of persons entitled to vote at Provincial elections only shall be prepared for cities.

(16) Where no appeal is made from the Court of Revision of the municipality to the County Court Judge as provided by *The Assessment Act*, the assessment roll shall be deemed to be finally revised and corrected when the time within which an appeal may be made has elapsed, and where an appeal is made when the assessment roll has been revised and corrected by the Judge of the County Court.

When assessment roll to be regarded as finally revised.

6a.—(1) In the case of a city or town in which the assessment roll is not returnable before the 30th day of September, the Clerk, immediately after the return of the roll, and without waiting for the revision and correction thereof by the court of revision or the judge, shall make out an alphabetical list of all persons appearing by the roll to be voters; and shall within thirty days after the return of the roll, cause two hundred copies of the list in the case of a city and one hundred copies in the case of a town to be printed in pamphlet form, and shall post up and deliver copies of the list, as provided by section 8.

Preparing voters' list in cities where roll not returnable before 30th September.

(2) A larger number of copies may be printed if the council shall so direct.

(3) The alphabetical list so made shall be deemed the list of voters which is subject to revision by the judge, under section 13, and the provisions of this Act which have reference to the alphabetical list mentioned in the said section shall apply to the list provided for by this section.

Revision of list by county judge.

(4) The time for giving notice of any complaint to be made to the Judge under section 13 with respect to a list prepared under this section shall be thirty days after the Clerk has posted up the list.

Time for giving notice of complaints.

(5) The list prepared under this section shall be finally revised, corrected and certified by the Judge within one month after the last day for making complaints.

Time for final completion of lists.

(6) In case the assessment roll of a city or town to which this section applies is not finally revised before the time limited for the final revision, correction and certifying of the list by the Judge, and upon appeal from the

Correction in voters' list after revision of roll.

court of revision alterations are made by the Judge in the assessment roll affecting the right of any person to be entered on the list, the Judge shall forthwith after the final revision of the roll, make out a list of such alterations and deliver the same to the Clerk *who* shall make corresponding changes in the certified copies of the revised list, and the Judge shall initial the same. A copy of the list of alterations shall be posted up by the Clerk in his office. 62 V. (2) c. 3, s. 1; 63 V. c. 2, ss. 1-3.

P. O. address
of voter to be
entered on list,
Rev. Stat., c.
61.

7. The Clerk of every township municipality, in making out the list shall insert *therein* (Form 1) a schedule (*Form I*) containing the name, numbered consecutively, of every post office which by the assessment roll appears as the address of any person entered on the list, and in making out the list shall according to the form and in the proper column therefor, insert opposite the name of every voter entered on the list the consecutive number which according to the schedule is his post office address, so far as the address appears by the assessment roll, or is within the knowledge or belief of the Clerk; but no appeal or complaint on the ground of any error, mistake or omission in or from the list in respect of any matter or thing by this section directed to be inserted therein, shall be made or allowed by or under this Act. R.S.O. 1897, c. 7, s. 7.

Copies of list
to be printed
and distributed.

8.—(1) Immediately after the Clerk has made the alphabetical list, and within forty days in a city and in other municipalities within thirty days, after the final revision and correction of the assessment roll, the Clerk shall cause at least two hundred copies of the list to be printed (in pamphlet form, and forthwith shall cause one of the printed copies to be posted up, and to be kept posted up in some conspicuous place in his office, and deliver or transmit by post, by registered letter, or by parcel post, registered, three copies to each Judge of the County Court of the County to which for judicial purposes the municipality belongs; and two copies to each of the following persons:—

- (a) Every member of the Municipal Council of the Municipality except the head thereof;
- (b) The Treasurer thereof;
- (c) The Sheriff;
- (d) The Clerk of the Peace;
- (e) Every Postmaster in the Municipality;
- (f) Every Head Teacher of a Public or Separate School in the Municipality;
- (g) The Clerk of the *Council of the County*, in which the municipality is situate. R.S.O. 1897, c. 7, s. 8;

(2) The Clerk shall forthwith also deliver or transmit by post, by registered letter, or by parcel post, registered, ten copies of the list to each of the following persons:—

Clerk to transmit copies to certain persons.

(a) The Member of the House of Commons for the Electoral District in which the Municipality or any part thereof lies;

(b) The Member of the Legislative Assembly for the Electoral District in which the Municipality or any part thereof lies;

(c) Every candidate for whom votes were given at the then last election of a member for the House of Commons and for the Legislative Assembly respectively, for the Electoral District in which the Municipality or any part thereof lies, and

(d) The Head of the Municipality. R.S.O. 1897, c. 7, s. 9.

9.—(1) The Clerk shall keep a book in which he shall enter particulars showing the day on which the copies of the alphabetical list were posted up by him and were transmitted to each of the persons mentioned in section 8, and also whether such copies were delivered personally or transmitted by post and shall verify such particulars by an affidavit or statutory declaration entered in such book.

Books of record to be kept by clerk.

(2) A Clerk who fails to comply with the provisions of this section or of section 8 or of section 9 shall, for each omission, incur a penalty of \$200, and in default of payment thereof shall further be liable to imprisonment for a period not exceeding three months. 61 V. c. 3, s. 3.

10.—(1) Upon each of the copies so sent there shall be a certificate (Form 2) over the name of the Clerk, stating that the list is a correct list of all persons appearing by the last revised assessment roll to be voters at Provincial elections, and at municipal elections; and, calling upon all voters to examine the list, and to take immediate proceedings to have omissions or errors corrected according to law. R.S.O. 1897, c. 7, s. 10.

Clerk to certify as to certain matters on each copy of list.

(2) Upon the outside or cover of each of the copies so sent shall be printed or written conspicuously the date of the posting up of the list thus:—

Date of posting list to be printed on copies.

This list was posted up in the Clerk's office on the day of

(fill in date), 19

2 Edw. VII. c. 12, s. 3.

11. The Sheriff shall immediately upon the receipt of his copies cause one of them to be posted up in a conspicuous place in the Court House; the Clerk of the Peace, upon receipt of his copies, shall cause one of them to be posted

Copies to be posted up by Sheriffs, Clerks of the Peace, teachers and post-masters.

up in a conspicuous place in his office; every Head Teacher of a Public or Separate School shall post up one copy on the door of the School-house; and every Postmaster shall post up one copy in his post-office. R.S.O. 1897, c. 7, s. 11.

Clerk to publish notice of transmission and posting up of list.

12. The Clerk shall also forthwith cause to be inserted at least once in a newspaper published in the municipality, or in case none is published therein, then in a newspaper published either in the nearest municipality in which one is published, or in the County Town, a notice (Form 3), signed by him, which shall state that he has delivered or transmitted the copies of the list as directed by this Act, and the date of the first posting up of the list in his office. R.S.O. 1897, c. 7, s. 12.

REVISION OF LISTS.

Revision of list by County Judge.

13.—(1) The list shall be subject to revision by the Judge, at the instance of any voter who complains that the names of voters have been omitted from the list, or wrongly stated therein, or that the names of persons who are not entitled to be voters have been entered on the list.

Assessment roll not conclusive.

(2) Upon such revision the finally revised assessment roll shall not be conclusive evidence in regard to any matter.

Rev. Stat. c. 224.

(3) Upon such revision no person shall be disentitled to have his name entered on the list, by reason of his having omitted to make, sign or deliver any statement or affidavit required by *The Assessment Act*, or of his name not having been entered on the assessment roll.

Judge's decision final.

(4) The decision of the Judge, in regard to the right of any person to vote, or as to the right to enter on or strike from the list the name of any person as a voter, shall be final. R.S.O. 1897, c. 7, s. 13.

(5) In the case of a list for a township situate within territory having county organization, the Judge may receive as evidence in support of an application to have the name of a person entered on the list, the affidavit of such person or of some other person who has and deposes that he has personal knowledge of the matters set forth in the affidavit (Form 4); Provided that the affidavit is delivered to the Clerk of the Municipality before the time for making complaints has expired.

14.—(1) Any voter whose name is entered on or who is entitled to have his name entered on the list for the municipality shall have the right for all purposes of this Act upon giving notice in writing (Form 5) within thirty days after the Clerk has posted up the list in his office, to apply,

complain or appeal to have his own name or the name of any other person corrected in, entered on or removed from the list for the municipality.

(2) A person who has acquired the qualification entitling him to vote at a provincial or municipal election before the time for giving the notice of appeal to the Judge has expired, shall be *deemed to be a person* entitled to be entered on the list, and in the case of a municipal voter *if entered thereon* he shall be entered *also* on the assessment roll, and shall be assessed for his property or income, if not already assessed therefor, without any request on his part, and the Judge and Clerk shall for the purposes of such assessment have the powers and perform the duties mentioned in section 40.

(3) A person who will be of the age of twenty-one years within thirty days after the day fixed for hearing appeals to the Judge, if otherwise qualified, shall be *deemed to be a person* entitled to have his name entered on the list, but he shall not be entitled to vote until he is of the age of twenty-one years.

15. The Judge may, without a previous notice of appeal or complaint, on an application made by or on behalf of any person in the list, correct any mistake which shall appear to have been made in compiling the list in respect of the name, place of abode, qualification, or of the local or other description of the property, of a person entered on the list, and with respect to whose right to be so entered an appeal or complaint is pending before the Judge. R.S.O. 1897, c. 7, s. 15. Powers of County Judge.

16.—(1) A voter making a complaint of any error or omission in the list shall, within thirty days after the Clerk of the Municipality has posted up the list in his office, give to the Clerk or leave for him at his residence or place of business, notice in writing (Form 5) of his complaint. Proceedings on complaint of errors in list.

(2) If the office of Clerk is vacant, the notice may be given in like manner to the head of the Council of the Municipality, and he shall perform all the duties of the Clerk. Vacancy in office of Clerk

(3) The proceedings thereafter by the Judge, Clerk, and the parties respectively, and the powers and duties of the Judge, Clerk and other persons, shall be the same, as nearly as may be, as in the case of an appeal from the Court of Revision under *The Assessment Act*; but no deposits shall be required. (See Forms 5-10.) Procedure as in appeal from Court of Revision.

(4) The Judge shall not proceed with the holding of any Court for hearing complaints until notice (Form 9) of the time and place of holding the Court shall have been published by the Clerk at least ten days before the sittings of the Court, in some newspaper published in the municipality. Notice of holding Court for complaints.

or, if there be no such paper, then in a newspaper published in the nearest municipality in which one is published, or in the county town. R.S.O. 1897, c. 7, s. 17.

Compelling
attendance of
witnesses.

17.—(1) Any person may obtain from the County Court of the County a subpoena (Form 12), or from the Judge an order, requiring the attendance at the Court for hearing complaints, at the time mentioned in the subpoena or order, of a witness residing or served with the subpoena or order, in any part of *Ontario*, and requiring the witness to produce any papers or documents mentioned in the subpoena or order; and every witness served with the subpoena or order shall obey the same, provided his expenses, according to the scale allowed in Division Courts, are paid or tendered to him at the time of service.

Compelling
attendance of
persons whose
right is in
question.

(2) Any person in respect of the entry or omission of whose name a complaint is made, shall, if resident within the municipality for or in which the Court is held, upon being served with a subpoena or order obey the same without being tendered or paid his expenses; and the subpoena or order shall be deemed to have been sufficiently served:—

(a) If the subpoena or order is served upon him personally; or

(b) Where he has a known residence or place of business within the municipality, if a copy of the subpoena or order is left for him with some grown up person, at such residence or place of business; or

(c) Where he has no known residence or place of business within the municipality, if a copy of the subpoena or order, at least six days before the sitting of the court, is mailed to him, by registered letter, directed to him at the post office address contained in any affirmation made by him under *The Assessment Act*, and where no such affirmation has been made, directed to him at his last known post office address, and also by separate registered letter directed to the post office nearest to the polling subdivision in which he is entered, unless such last mentioned post office is his last known post office address; or

(d) Where he is a farmer's son, if a copy of the order or subpoena is left for him with some person at the residence of the farmer whose son he is.

(3) If a person, whose right to be a voter is the subject of enquiry, does not attend in obedience to the subpoena or order, the Judge, in the absence of satisfactory excuse being shown for the non-attendance, or of proof of right of the person to be a voter, may, on the ground of his non-attendance, strike his name off, or refuse to enter his name on the list, or impose on him a fine not exceeding \$20 or may do both. Penalty for non attendance.

(4) The fact that the name of the person is entered on the last revised voter's list of the Electoral District shall be *prima facie* evidence that he is a British subject and twenty-one years of age.

18. If on complaint or appeal to strike off the name of any person on the list it appears that the qualification of such person is incorrecly set forth therein, but that he has the qualification necessary to entitle his name to be entered on the list, the Judge shall not strike off the name of such person, but shall make such alterations in the list as are necessary to set forth the proper qualification of such person, and in so doing may, if the name has not been entered on the proper part of the list, enter the same thereon.

19. The Judge shall so arrange and proceed, and fix the sittings of the Court, that all the complaints shall be heard and determined, and the list finally revised, corrected and certified, within two months from the last day for making complaints. Time within which list to be revised. R.S.O. 1897, c. 7, s. 19.

20. If no complaint is made within thirty days after the Clerk has posted up the list in his office, he shall forthwith apply (Form 13), either in person or by letter, to the Judge to certify (Form 14) three copies of the list as being the revised list of voters for the municipality; and the Judge shall certify such three copies and retain one, and deliver or transmit by post, registered, one to the Clerk of the Peace, and one to the Clerk of the Municipality, to be kept by him among the records of his office. List confirmed if no complaint within 30 days after list posted up by clerk. R.S.O. 1897, c. 7, s. 20.

21. If any complaint is made, immediately after the list has been finally revised, the Judge shall furnish to the Clerk a statement of the changes made by him in the list. The Clerk shall thereupon prepare three corrected copies of the list as revised by the Judge, and shall, within one week after the revision has been made, transmit or deliver to the Judge such three copies, which the Judge shall thereupon certify and sign (Form 15); and he shall deal with the certified copies in the manner directed by section 20. Statement of changes on list.

Striking off
names of
persons dying
after revision.

22.—(1) After the list has been certified and before the nomination day at any election, the Judge may, upon the application of a voter, strike from the list the name of any person who has died since the list was certified; and for that purpose the certificate of the Registrar-General or of the Division Registrar shall be sufficient evidence of death, but if the identity of the person proved to be dead with the person whose name is sought to be struck off is disputed or open to reasonable doubt, proof of the identity shall be required.

(2) The proceedings shall be the same as nearly as may be as *those which are prescribed* for the revision of the list, except that it shall not be necessary to publish notice of the sittings of the Court, and the Judge and the officers named in this Act shall have the same jurisdiction as in the case of proceedings to revise the list under this Act.

Certified list
conclusive
evidence.

23. The certified list shall, upon a scrutiny, under *The Ontario Election Act*, or *The Municipal Act*, be final and conclusive evidence that all persons named therein, and no others, were qualified to vote at any election at which such list was, or was the proper list to be used; except

Exceptions.

1. Persons guilty of corrupt practices at or in respect of the election in question on such scrutiny, or since the list was certified by the Judge;

Rev. Stat. c. 9.

2. Persons who, subsequently to the list being certified, are *not* or have *not* been resident either within the municipality to which the list relates, or within the electoral district for which the election is held, and who by reason thereof are, under the provisions of *The Ontario Election Act*, disqualified to vote;

3. Persons who, under sections 4 to 7 of *The Ontario Election Act* are disqualified and incompetent to vote. R.S.O. 1897, c. 7, s. 24.

Municipality
to provide a
court room.

24.—(1) It shall be the duty of the municipality within which a Court is to be held, to provide a suitable and convenient place, properly furnished, heated and lighted for the holding of the Court, and in default thereof the Judge may hold the Court at such place in the County as he may deem proper; and if the Court is held elsewhere than in the Court House of the County, the occupant of the building in which it is held may recover from the municipality the sum of \$5 for each day *on* which the building was used for the purposes of the Court.

Courts in
county towns.

(2) Every Court held in the county town shall be held in the Court House, or in such other place as the Judge may deem proper. R.S.O. 1897, c. 7, s. 25.

25. In all proceedings before the Judge he shall have all the powers which belong to or might be exercised by him in the County Court. R.S.O. 1897, c. 7, s. 26. Powers of Judge

26. The Clerk of every Municipality shall be subject to the summary jurisdiction and control of the Judge in the performance of his duty under this Act, in the same manner as an officer of the County Court as to the Court. R.S.O. 1897, c. 7, s. 27. Clerk to be subject to summary jurisdiction of Judge.

27. The Clerk shall be entitled to the actual and reasonable disbursements necessarily incurred by him in serving a notice of complaint or appeal, when served by him, and shall, unless he is by the terms of his employment required to discharge the duties imposed upon him by this Act without such remuneration, *shall also* be entitled to the following compensation :

1. Two cents for the name of every person entered in the list of complaints and in respect to whom appeal was made.
2. Two cents for every name entered in any necessary copy of the list of complaints.
3. Eight cents for every necessary notice to any party complaining or complained against.
4. Three dollars for every day's attendance at the sittings of the Court. R.S.O. 1897, c. 7, s. 28.

28.—(1) The Judge shall have power to appoint a proper person to attend *as constable* at the sitting of the Court; and the duties and powers of such person shall be as nearly as may be the same as those of a bailiff at a sitting of a Division Court. Appointment of constable.

(2) The person acting as constable shall be entitled to the following compensation; that is to say:— Constable's fees.

1. For every day's attendance, two dollars.
2. For the service of any process or notice, including the receipt and return thereof, and all other duties connected therewith when allowed by the Judge, a sum not exceeding ten cents per mile one way for each mile actually and necessarily travelled to effect such service. R.S.O. 1897, c. 7, s. 29.

29. The compensation to which the Clerk and Constable are respectively entitled shall be certified by the Judge and paid to the Clerk and Constable respectively by the Treasurer of the Municipality upon the production and deposit with him of the Judge's certificate. R.S.O. 1897, c. 7, s. 30. Payment of fees.

30. If the Judge who holds the Court is of opinion that any person has contravened sections 45 or 46 of this Act, Report by Judge as to frauds, etc.

or that frauds in respect to the assessment or the list have prevailed extensively in the municipality, he shall report the same to the Attorney-General, with particulars as to names and facts. R.S.O. 1897, c. 7, s. 31.

Amendments.

31. The Judge may amend any notice or other proceeding upon such terms as he may think proper. R.S.O. 1897, c. 7, s. 32.

Substitution of new appellant.

32. If an appellant or complainant dies or abandons his appeal or complaint, or having been on the alphabetical list made and posted by the Clerk as aforesaid, is afterwards found not to be entitled to be an appellant, the Judge may, in his discretion, allow any other person who might have been an appellant or complainant to intervene and prosecute the appeal or complaint, upon such terms as the Judge may think just. R.S.O. 1897, c. 7, s. 33.

Costs occasioned by errors may be ordered to be paid by persons responsible therefor.

33.—(1) If errors are found in the Voters' List on the revision thereof, in the omission of names, the inaccurate entry of names, or the entry of names of persons not entitled to vote, and it appears to the Judge that the Assessor or Clerk was blamable for any of the errors, the Judge may order (Form 16) the Assessor or Clerk respectively, to pay all costs occasioned by such error.

(2) In case of errors for which the Court of Revision is blamable, the Judge may order the municipality to pay the costs occasioned by such error.

(3) In all cases not herein provided for, the costs shall be in the discretion of the Judge. R.S.O. 1897, c. 7, s. 34.

Division Court costs only to be allowed.

34. The costs to be allowed on any proceeding under this Act shall be according to the lowest scale of costs in an action in a Division Court. R.S.O. 1897, c. 7, s. 35.

Liability of appellant for costs.

35. An unsuccessful appellant or complainant shall be liable to pay the witness fees only, unless, in the opinion of the Judge, complaint or appeal is frivolous or vexatious, or has not been made in good faith, the Judge may order the appellant or complainant to pay in addition any other costs allowed by section 34. R.S.O. 1897, c. 7, s. 36.

Enforcing payment of costs.

36. Payment of costs may be enforced by an execution (Form 17) against goods and chattels, to be issued from the Division Court of the division within which the municipality or part thereof is situated, upon filing therein the order of the Judge, and an affidavit showing the amount at which the costs have been allowed and the non-payment thereof. R.S.O. 1897, c. 7, s. 37.

37. No affidavit or declaration which is sworn or acknowledged before a candidate for the Legislative Assembly, shall be used upon the revision of a voters' list. 61 V. c. 3, s. 2. Affidavits not to be sworn before candidates or agents.

REFERENCE TO COURT OF APPEAL.

38.—(1) In order to facilitate uniformity of decision without the delay or expense of appeals,

(a) A Judge may state a case on any general question arising or likely to arise, and may transmit the same to the Lieutenant-Governor in Council, who may immediately refer the case to the Court of Appeal for the opinion of the Court; or stating case for opinion of Court of Appeal.

(b) The Lieutenant-Governor in Council may state a case on any such general question to the Court of Appeal, for a like opinion.

(2) Immediately upon the receipt of the case it shall be the duty of the Court to appoint a time and place for hearing argument, of which written notice shall be given by the Registrar of the Court posting up a copy of the notice in the Central Office at Osgoode Hall, in Toronto, at least ten clear days before the time appointed.

(3) At the time appointed the Court shall hear argument by such of the counsel present as the Court may think fit, and shall certify to the Lieutenant-Governor in Council the opinion of such Court thereon; and the opinion shall forthwith be published in the *Ontario Gazette*, and a copy of the opinion shall forthwith be sent to the Judge of every County Court. *R.S.O. 1897, c. 7, s. 38.* Hearing.
Opinion to be published.

39. The Court of Appeal may also give an opinion on any question at the instance of any voter, if the Court sees fit; and the proceedings with respect thereto shall be, as nearly as may be, the same as upon a case referred; but the Court or a Judge *thereof* may require a deposit of money to cover the costs of hearing the question argued by counsel, and may require notice of the proceedings, or any of them, to be given to such person as the Court or Judge may direct. *R.S.O. 1897, c. 7, s. 39.* Opinion at instance of voter or person entitled to be voter.

LIABILITY FOR TAXES OF PERSONS WHOSE NAMES ARE ADDED

40. If any person who is found entitled to be a voter at municipal elections is not assessed, or is insufficiently assessed, the Judge shall enter the name of such person on the roll together with the other particulars required by *The Assessment Act* to be set opposite the name of the tax or assessed, including the value of the property or income in Liability of persons whose names are added to roll on revision.

respect of which the assessment is made which shall be determined by the Judge. Corresponding corrections shall be made by the Clerk *in* the Collector's roll.

FAILURE OF CLERK TO PERFORM HIS DUTIES.

Lists not vitiated by failure of clerk to perform duties.

41. The non-performance by the Clerk of any of his duties under this Act within the times appointed, shall not affect the validity of any list. R.S.O. 1897, c. 7, s. 41.

Summary application if Clerk of Municipality fails to perform his duties.

42.—(1) In case the Clerk fails to perform any of his duties, the Clerk of the Peace shall forthwith apply summarily (Form 18) to the Judge to enforce the performance of the same.

Application by voter.

(2) The application may also be made by any voter.

Proceedings by Judge.

(3) The Judge shall require (Form 19) the Clerk and any other person he sees fit, to appear before him and produce the assessment roll, and any documents relating thereto, or to the list, and to submit to examination on oath, and may thereupon make such order and give such directions as he may deem proper.

Liability of clerk for costs.

(4) The Clerk shall pay the costs of the proceedings, unless on special *ground* the Judge shall otherwise order, in which case the Judge may direct how and by whom the costs shall be paid.

Judge's order not to relieve clerk from penalty.

(5) The proceedings and order of the Judge shall not relieve the Clerk from the penalty hereinafter imposed. R.S.O. 1897, c. 7, s. 42.

Penalty for neglect of duties by clerk.

43. If the Clerk omits, neglects or refuses to perform any of the duties hereinafter required of him, for such omission, neglect or refusal, he shall incur a penalty of \$200. R.S.O. 1897, c. 7, s. 43.

Penalty for wilfully falsifying lists.

44. The wilful alteration of, omission from, incorrect entry in, or falsification of a certified list or copy thereof shall be an offence; and any Clerk of a municipality, Clerk of the Peace or other person who commits such offence, or wilfully permits the same to be committed, shall incur a penalty of \$2,000.

COLOURABLE TRANSFER OF PROPERTY.

Colourable transfer of property in order to confer vote.

45.—(1) No person shall be a party to any instrument, or to any verbal arrangement, whereby a colourable qualification is conferred or sought to be conferred upon himself or any other person in order to enable him to become a voter.

(2) Any person violating the provisions of this section, besides being liable to any other penalty prescribed in that behalf, shall incur a penalty of \$100.

(3) Any person who induces or attempts to induce another to commit an offence under this section, shall incur a like penalty. R.S.O. 1897, c. 7, s. 45.

CREATION OF FALSE VOTES.

46.—(1) To prevent the creation of false votes, where a person claims to be assessed, or to be entered or named in an assessment roll, or claims that another person should be assessed, or entered or named in an assessment roll so as to entitle him to be a voter, and the assessor has reason to suspect that the person so claiming or for or in respect to whom the claim is made, ought not to be so assessed, or so entered or named in the roll, it shall be the duty of the assessor to make reasonable inquiries before assessing, entering, or naming any such person in the assessment roll.

Assessor to make inquiries before assessing person claiming to be assessed.

(2) Any person who wilfully and improperly enters or procures or causes to be entered the name of a person in an assessment roll, or assesses or procures or causes the assessment of a person at too high an amount, with intent to give to a person not entitled thereto, either the right or an apparent right to be a voter; or who wilfully enters, or procures or causes to be entered a fictitious name in an assessment roll, or who wilfully and improperly omits, or procures or causes to be omitted the name of a person from an assessment roll, or assesses, or procures or causes the assessment of a person at too low an amount, with intent to deprive a person of his right to be a voter, shall incur a penalty of \$200. R.S.O. 1897, c. 7, s. 48.

Penalty for improper insertion of names in roll.

RECOVERY OF PENALTIES AND FINES.

47.—(1) Any penalty mentioned in the next preceding four sections may be recovered with costs by any person suing for the same in any Court of competent jurisdiction. R.S.O. 1897, c. 7, s. 46.

Recovery of penalties.

(2) Actions for penalties incurred under this Act shall be tried by a Judge without a jury. R.S.O. 1897, c. 7, s. 47.

Trial of actions for penalties.

INSPECTION AND COPIES OF DOCUMENTS.

48. A voter, and an agent of a voter may, at all reasonable times, and under reasonable restrictions, inspect and take copies of or extracts from assessment rolls, notices, complaints, applications, and other documents and pro-

Right to inspect and copy assessment rolls, etc.

Rev. Stat.
cc. 223 and 224.

ceedings necessary or of use for the carrying out of the provisions of *The Municipal Act*, *The Assessment Act*, or of this Act; and the Clerk for the said purposes shall accord all reasonable facilities which may be consistent with the safety of the documents, and the rights and interests of all persons concerned, and shall in regard to the matters aforesaid be subject to the direction of the Judge. R.S.O. 1897, c. 7, s. 49.

Clerks to furnish copies of voters' lists.

49.—(1) The Clerk of the Peace and the Clerk of a Municipality having the custody of the list, shall furnish to any person who may require the same a certified copy of the list, then last revised and certified, or of any portion thereof, on being paid at the rate of four cents for every ten names on such list or portion thereof.

(2) If printed copies are furnished the fee for each copy shall be six cents, and all alterations made therein shall be verified by the initials of the officer furnishing such copies; and for every ten names in respect of which there are alterations or interlineations he shall be entitled to be paid an additional fee of four cents.

Fees.

Rev. Stat.
cc. 9 and 223.

(3) For each copy of the list or of any of the parts thereof furnished to the Returning Officer, according to Form 6 in Schedule A to *The Ontario Election Act*, or according to Schedule C to *The Municipal Act*, the Clerk of the Peace furnishing the same shall be entitled to receive the sum of six cents for every ten voters whose names are on such list or part as the case may be. R.S.O. 1897, c. 7, s. 50.

Copies of alterations made in lists by Judge to be given to applicants.

(4) In lieu of a copy of a list or portion thereof, the Clerk of the Peace or the Clerk of the Municipality if required shall furnish a statement of the alterations and corrections made by the Judge, and the fees payable for such statement shall be at the rate of four cents for every ten names. R.S.O. 1897, c. 7, s. 51.

PART II.

PREPARATION OF WARD LISTS.

Preparation of list where roll returned and revised by wards.

50. Immediately after the return by the assessor of the assessment roll for any ward or subdivision of a ward, and without waiting for the revision and correction of the roll by the Court of Revision or by the Judge, the Clerk of every city to which the provisions of this Part applies, shall prepare and print the alphabetical list of voters for such ward or subdivision in the manner prescribed by Part I. 62 V. (2), c. 3, s. 3, part; 2 Edw. VII. c. 5, s. 1.

51. Forthwith after the preparation and printing of the last of such lists the clerk shall post up and distribute each of the alphabetical lists for each ward or subdivision in the manner prescribed by Part I., and forthwith after the Clerk has posted up the lists in his office, he shall cause a notice to be inserted once a week for three weeks in each daily newspaper published in the city calling upon persons who are aware of errors or omissions in the lists or of changes which have been rendered necessary by reason of the death or removal of any person named therein or by reason of any person having acquired the necessary qualifications as a voter since the return or final revision of the assessment roll for any such ward or subdivision of a ward to give notice of the same and shall name a time and place at which the Judge will hold the court for revising the lists for the whole city. The time for making complaints as to errors or omissions in the lists shall be within twenty-one days after the first publication of the notice. 62 V. (2), c. 3, s. 3, part.

Posting up and distributing lists.

Notice of Court for hearing complaints.

52. The Judge shall so arrange and proceed, and so fix the sittings of the court for hearing complaints against or in respect of the lists that the complaints shall be heard and determined and the lists finally revised and certified in manner provided by Part I. within ten days after the last day for making complaints and in any case before the twentieth day of December. 62 V. (2), c. 3, s. 3, part.

Time for final revision of lists.

53. If no complaint respecting any of the lists is received by the Clerk within twenty-one days after the first publication of the notice the Clerk shall forthwith apply to the Judge to certify three copies of each of the lists as being the last revised list of voters for the ward or subdivision, and the Judge shall certify such three copies and retain one and deliver or transmit by post registered one to the Clerk of the Peace, and one to the Clerk of the Municipality to be kept by him among the records of his office. 62 V. (2), c. 3, s. 3, part.

Certifying lists where no complaint made.

54.—(1) If any complaint is made as aforesaid with respect to any of the lists within such period the Judge shall proceed as provided by section 21 of this Act, and sections 22 and 23 of this Act shall apply to the lists prepared under this Part.

Procedure where complaints are made.

(2) If the assessment roll is not finally revised before the final revision, and certifying of the lists by the Judge and upon appeal to the Judge from the court of revision alterations are made in the assessment roll affecting the right of any person to be entered on any of the lists, the Judge shall forthwith after the final revision of the roll

make out a list of such alterations and deliver the same to the Clerk, who shall make corresponding changes in the certified copies of the revised list and the Judge shall initial the same. A copy of the list of alterations shall be posted up by the Clerk in his office. 62 V. (2), c. 3, s. 3, part; 2 Edw. VII. c. 5, s. 2.

Lists to form
together the
revised voters
list for the city.

55. The lists as so revised, corrected and certified by the Judge shall together form from time to time the last revised Voters' List for the city within the meaning of this Act, *The Ontario Election Act* and *The Municipal Act*, and the date fixed by section 53 as the last day for making complaints to the Judge under section 53 shall be deemed to be the last day for making complaints to the County Court Judge within the meaning of any oath prescribed by any of said Acts and such date shall be inserted in any such oath when the voting is upon a list prepared under this Part. 62 V. (2), c. 3, s. 3, part.

PART III.

LISTS IN TERRITORY WITHOUT MUNICIPAL ORGANIZATION.

Enumerators to
be appointed.

56.—(1) The Lieutenant-Governor in Council may appoint Enumerators whose duty it shall be to prepare biennially the Voters' List for those parts of the Province without municipal organization.

(2) The Enumerators shall be selected from among the following *official persons*:

The Sheriff,
The Registrar of Deeds,
The Local Master of Titles,

The Clerk of the District or County Court of the County or District in which the territory for which the Enumerator is appointed is situate, and the Police Magistrate having jurisdiction in such territory.

Oath enumer-
ator.

57. Every Enumerator before entering upon his duties shall take oath of office before a District or County Judge or Stipendiary Magistrate according to Form 20 to this Act, which oath the Enumerator shall forthwith transmit to the Clerk of the Crown in Chancery. R.S.O. 1897. c. 7, s. 62.

Copy of Part
and notice of
preparation of
list to be post-
ed up.

58.—(1) So soon after the first day of June in each year in which lists are to be prepared under this Part, as may be convenient, but not later than the first day of July, and whenever the preparation of a list is directed by Proclamation forthwith thereafter the Enumerator shall cause to be posted in a conspicuous manner throughout those parts of the territory for which he is appointed at every public and

separate school house, and at every statutory polling place, and at every other place which may be directed by the Lieutenant-Governor in Council a copy of this Part, and one or more printed notices in accordance with Form 21; and the Enumerator shall attend at the time and place mentioned in the notice. R.S.O. 1897, c. 7, s. 63; 4 Edw. VII. c. 10, s. 2.

(2) Provided that the Lieutenant-Governor in Council may by proclamation direct that voters' lists for those parts of the Province without municipal organization or for any specified electoral district shall be prepared at an earlier date than that herein directed, and shall so direct when an election is about to be held and the lists to be used thereat would otherwise at the date of such election be more than one year old. R.S.O. 1897, c. 7, s. 61; 4 Edw. VII. c. 10, s. 1. Earlier preparation of lists.

59. Not less than thirty days after the posting of the notices the Enumerators shall visit every part of the territory where by the statute or by proclamation of the Lieutenant-Governor in Council there is required to be a polling place, and shall ascertain the names, of all persons who are entitled to have their names entered on such lists, including any who may deliver to him an affidavit according to *Form 22a or 22b*. Enumerator to ascertain who may vote.

60. Save as otherwise provided the Judge and Enumerator, so far as the same are applicable to territory without municipal organization, shall respectively perform the duties assigned to the Judge and to the Clerk of a Municipality and the Judge by this Act elsewhere in the Province, and the forms and notices, and other proceedings, shall be the same as nearly as may be, and be taken at and within the same times and with the same effect as in case of lists elsewhere in the Province. R.S.O. 1897, c. 7, s. 64. Duties of Enumerator. Proceedings.

61. The list shall be in several parts, one part for each polling place, and the name of each voter shall be entered in that part, the polling place for which is most convenient for him. List to be in part.

62. The Enumerator shall on completion of his list attach thereto an affidavit, to be made before the District or County Judge or Stipendiary Magistrate, according to Form 23. Enumerator to make affidavit.

63. The non-performance by the Enumerator of any of his duties under this Act within the times appointed shall not affect the validity of any list. List not to be invalidated by default of Enumerator.

APPEALS.

Appeal to
district or
county judge.

64.--(1) There shall be an appeal to the Judge in the same manner as elsewhere in the Province, and the Judge shall attend to hear the appeals at such places as may be convenient for the parties concerned, and shall give due notice thereof.

(2) A voter may also appeal with respect to the polling place at which his name is entered. R.S.O. 1897, c. 7, s. 68.

(3) At least thirty days' notice of the hearing of such appeals shall be given (Form 24) by publication in a newspaper published in the County or District and by posting as required *by* section 58 of this Act.

(4) The proceedings in respect to such appeals shall be, as nearly as may be, the same as upon appeals under Part I. R.S.O. 1897, c. 7, s. 69.

Certified list
to be de-
posited in cer-
tain offices.

65. If there is no appeal within 30 days, the Enumerator shall forthwith deposit in the *offices* of the Sheriff, of the Stipendiary Magistrate, of the Police Magistrate and of the Clerk of the Peace, respectively, a copy of *his* list certified by the Judge. R.S.O. 1897, c. 7, s. 70.

Fees and
expenses.

66. An Enumerator for preparing and the Judge for revising the lists required by this part shall be entitled to receive the sum of \$4 per day for the time during which he was engaged therein, and all reasonable personal expenses and disbursements. The expenses for preparing the lists under this Part and incidental thereto shall be paid out of any moneys which may be appropriated by the Legislature for that purpose. R.S.O. 1897, c. 7, s. 71.

67. The provisions of sections 41 and 42 shall apply to this Part.

OFFICERS NOT TO BE CANDIDATES.

Officers prepar-
ing list not to
be a candidate.

68. No Enumerator, and no person in whose office the list is deposited under section 65, shall be a candidate for election to the Legislative Assembly at any election for which the list is *to be* used. R.S.O. 1897, c. 7, s. 72.

Penalty for
neglect
Enumerator

69. If an Enumerator omits, neglects or refuses to perform any of the duties hereinbefore required of him, for each omission, neglect or refusal, he shall incur a penalty of \$200.

70. The wilful alteration of, omission from, incorrect entry in or falsification of any certified list or copy thereof shall be an offence, and any Enumerator, Clerk of the Peace, Sheriff, Police Magistrate or other person who commits such offence or wilfully permits the same to be committed shall incur a penalty of \$2,000.

Penalty for making false lists.

71.—(1) Any penalty mentioned in the next preceding two sections may be recovered with costs by any person suing for the same in any Court of competent jurisdiction.

Recovery of penalties.

(2) Actions for penalties incurred under the next two preceding sections shall be tried by a Judge without a jury.

VOTERS' LISTS PREPARED IN 1905.

72. Unless otherwise ordered by the Lieutenant-Governor in Council the operation of this part of this Act is suspended for two years from the 14th day of May, 1906.

Rev. Stat. c. 7, Part III. suspended for two years.

73. The Ontario Voters' Lists Act, and all amendments thereto, are hereby repealed.

Rev. Stat. c. 7 repealed.

SCHEDULE OF FORMS.

FORM. 1.

(Sections 6, 7.)

FORM OF VOTERS' LIST.

Voters' List, 19 Municipality of

SCHEDULE OF POST OFFICES.

- | | |
|-------------------|----------------------|
| 1. North Augusta. | 3. Wright's Corners. |
| 2. Maitland. | 4. Prescott. |

POLLING SUBDIVISION No. 1, COMPRISING, Etc. :—(Giving the limits.)

PART I.—Persons entitled to vote at BOTH Municipal Elections and Elections to the Legislative Assembly.

NO. ON ROLL.	NAME.	LOT.	CON. OR STREET.	POST OFFICE ADDRESS.	
6	Anderson, Henry...	N W $\frac{1}{4}$ 6	3	M.F. and Owner	1
14	Andrews, John	W 14 acres 8	1	M.F. and Tenant	4
1	Archer, James.....	2	9	M.F. and Income	4
50	Brown, Simon.....	W $\frac{1}{4}$ 9	2	M.F. and F.S.	3
71	Burton, Samuel....	E $\frac{1}{4}$ 17	4	See Subdiv. No.	2
	Etc.	Etc.	Etc.	Etc.	Etc.

PART II.—Persons entitled to vote at Municipal Elections ONLY.

NO. ON ROLL.	NAME.	LOT.	CON. OR STREET.	POST OFFICE ADDRESS.
4 82	Archer, Henry..... Burk, Edmund..... Etc.	4 W $\frac{1}{2}$ 17 Etc.	3 4 Etc. Owner. Farmer's Son. Etc.	2 3 Etc.

PART III.—Persons entitled to vote at Elections to the LEGISLATIVE ASSEMBLY ONLY.

NO. ON ROLL.	NAME.	LOT.	CON. OR STREET.		POST OFFICE ADDRESS.
43	Acroyd, James. . . .	N 1 3	4	M. F.	3
8	Amos, Joseph.	3	7	M. F.	3
	Etc.	Etc.	Etc.	Etc.	Etc.

POLLING SUBDIVISION No. 2, COMPRISING, Etc. :—(*Giving the limits.*)
Etc., Etc., Etc.

R.S.O. 1897, c. 7, Form 1.

FORM 2.

(Section 10.)

CERTIFICATE TO BE ENDORSED ON VOTERS' LIST.

I, A. B., Clerk of the Municipality of _____, in the County of _____, do hereby certify that Parts 1 and 3 of the within (or above) list constitute a correct list for the year 19____ of all persons appearing by the last revised Assessment Roll of the said Municipality to be entitled to vote at Elections for Members of the Legislative Assembly; and that Parts 1 and 2 constitute a correct list for the said year of all persons appearing by the said Roll to be entitled to vote at Municipal Elections in the said Municipality; and I hereby call upon all voters to take immediate proceedings to have any omissions or errors corrected according to law.

Dated this _____ day of _____

A. B.,
Clerk of

R.S.O. 1897, c. 7, Form 2.

FORM 3.

(Section 12.)

CLERK'S NOTICE OF FIRST POSTING OF VOTERS' LIST.

Voters' Lists, 19____.—Municipality, of the _____ of
County of _____

Notice is hereby given, that I have transmitted or delivered to the persons mentioned in section 8 of *The Ontario Voters' Lists Act*, the copies required by said sections to be so transmitted or

delivered of the list, made pursuant to said Act, of all persons appearing by the last revised Assessment Roll of the said Municipality to be entitled to vote in the said Municipality at Elections for Members of the Legislative Assembly and at Municipal Elections; and that the said list was first posted up at my office at _____, on the _____ day of _____, 19____, and remains there for inspection.

And I hereby call upon all voters to take immediate proceedings to have any errors or omissions corrected according to law.

Dated, etc.,

A. B.,
Clerk of

R.S.O. 1897, c. 7, Form 3.

FORM 4.

(Section 13, Subsec. 5.)

AFFIDAVIT FOR VOTER OF TOWNSHIP APPLYING TO BE ENTERED ON THE LIST.

I, of the Township of _____, of the County of _____, make oath and say:—

That I am (or that _____ is to my personal knowledge) a British subject by birth (or naturalization), and I am not a citizen or a subject of any foreign country (or the said _____ is not a citizen or a subject of any foreign country, and I have (or the said _____ has) resided in the Dominion of Canada for nine months preceding the 15th day of February last, the day fixed by *The Assessment Act* to commence to make the assessment, and that I am (or the said _____) is entitled to be entered on the Voters' List for the Township of _____ as owner (or tenant, or as the case may be) of the following property (here set out description of property in a concise manner).

I am (or the said _____ is) of the full age of twenty-one years and not disqualified under *The Ontario Election Act* or otherwise by law prohibited from voting at elections for the Legislative Assembly of Ontario.

Sworn before me at _____ in
the County of _____ this
day of _____ 190____.

(Signature of Voter).

(Signature Justice of the Peace).

(This oath may be taken before a Justice of the Peace, Commissioner for taking Affidavits or Notary Public).

FORM 5.

(Section 16, Subsec. 1).

VOTERS' NOTICE OF COMPLAINT.

To the Clerk of the Municipality of the _____ of _____

I, *James Smith*, a voter (or person entitled to be entered on the Voters' List for the Electoral District of _____, in which the said municipality is situated, complain (state the names of the persons in respect to whom complaint is made, and the grounds of complaint touching each person—or set forth in lists as follows, varying according to circumstances) that the persons whose names are set forth in the subjoined list No. 1 are entitled to be voters in the said Municipality as shewn in said list, but are omitted

from the Voters' List:—That the persons whose names are mentioned in the first column of the subjoined list No. 2 are wrongly stated in the Voters' List:—That the persons whose names are set forth in the first column of the subjoined list No. 3 ought not to have been entered on the Voters' List:—And that there are errors in the description of the property in respect to which the names are entered on the Voters' List (*or stating other errors*), as shewn in the subjoined list No. 4:—And take notice, that I intend to apply to the Judge in respect thereof, pursuant to the statute in that behalf.

Dated the day of , 19 .

JAMES SMITH,
Residence—Township of Beby.

Lists of Complaints mentioned in the above Notice of Complaints.

LIST No. 1 (*shewing voters omitted from or not entered on the Voters' List*).

NAMES OF PERSONS.	GROUND ON WHICH THEY ARE ENTITLED TO BE ON THE VOTERS' LIST.
James Tupper.....	Tenant to John Fraser, of N. $\frac{1}{2}$ lot 1, 2nd Con.
Simon Beaucherk..	Manhood Franchise Voter.
Angus Blain.....	Assessed too low—property worth \$

LIST No. 2 (*shewing voters wrongly named in Voters' List*).

NAMES OF PERSONS.	POLLING SUB-DIVISION.	PART OF LIST.	THE ERRORS IN STATEMENT UPON VOTERS' LIST.
Joshua Townsend.	2	1	Should be <i>Joseph</i> Townsend.
John McBean.....	4	1	Should be John McBean the <i>younger</i> .
S. Connell.....	3	2	Should be <i>Simon</i> O'Connell. etc., etc.

LIST No. 3 (*shewing persons wrongfully inserted in the Voters' List*).

NAMES OF PERSONS.	POLLING SUB-DIVISION.	PART OF LIST.	STATEMENT WHY WRONGFULLY INSERTED IN VOTERS' LIST.
Peter White.....	4	1	Died before final revision of roll.
John May.....	3	2	Not entitled to Manhood Franchise.
David Walters....	2	2	Assessed too high—property worth under \$ etc., etc.

LIST No. 4 (*showing voters whose property or qualification is erroneously described in Voters' List, etc.*)

NAMES OF PERSONS.	POLLING SUB-DIVI- SION.	PART OF LIST.	ERRORS IN RESPECT TO PROPERTY OR OTHERWISE STATED
Stephen Washburn	2	2	Name should be in Sub-division No. 2.
Thomas Gordon ..	3	1	Property should be W. $\frac{1}{2}$ lot 7, in 3rd Con.
Ronald Blue	4	2	Should be described as owner, not tenant.

R.S.O. 1897, c. 7, Form 6.

FORM 6.

(Section 16.)

CLERK'S REPORT IN CASE OF APPEALS AND COMPLAINTS TO THE JUDGE.

To His Honour the Judge of the County Court of the County of

The Clerk of the Municipality of reports that the several persons mentioned in column 1 of the subjoined Schedule, and no others, have given to him written notice complaining of errors or omissions in the Voters' List for the said Municipality for 19 , on the grounds mentioned in column 2 of the said Schedule, and that such notices were received respectively at the dates set down in column 3 of the said Schedule.

Dated, etc.

A. B.,
Clerk of

Schedule.

1	2	3
NAME OF COMPLAINANTS.	ERRORS OR OMISSIONS COMPLAINED OF.	DATE WHEN NOTICE OF COMPLAINT RECEIVED BY CLERK.

R.S.O. 1897, c. 7, Form 7.

FORM 7.

(Section 16.)

JUDGE'S ORDER APPOINTING COURT FOR HEARING COMPLAINTS AND
APPEALS.

To , Clerk of the Municipality of the

I appoint the of 19 , at the
hour of at in the said county, for holding a
Court to hear and determine the several complaints of errors and

omissions in the said Voters' List, for the Municipality of ,
for 19 .

I direct that the Assessor for the Municipality shall attend the sittings of the said Court, and that the Assessment Roll and the minutes of the Court of Revision for the Municipality for 19 , be produced thereat.

Dated day of 19 .

Judge C. C.

R.S.O. 1897, c. 7, Form 8.

FORM 8.

(Section 17.)

NOTICE TO BE POSTED BY CLERK IN HIS OFFICE WITH LIST OF COMPLAINTS.

Notice is hereby given, that a Court will be held, pursuant to *The Ontario Voters' Lists Act*, at , on the day of 19 , at o'clock, for hearing all complaints made against the Voters' List for the Municipality of for 19 , particulars of which complaints are shown in the subjoined Schedule.

Dated, etc.

*A. B.,
Clerk of*

SCHEDULE.

NAME OF PARTY COM- PLAINING.	NAME OF PERSON IN RESPECT TO WHOM APPEAL WAS MADE.	GROUND OF COMPLAINT ALLEGED.

R.S.O. 1897, c. 7, Form 9.

FORM 9.

(Section 16.)

CLERK'S ADVERTISEMENT OF COURT IN NEWSPAPER.

Notice is hereby given that a Court will be held, pursuant to *The Ontario Voters' Lists Act*, by His Honour the Judge of the County Court of the County of , at , on the day of 19 , at o'clock to hear and determine complaints of errors and omissions in the Voters' List of the Municipality of for 19 .

Dated, etc.

*A. B.,
Clerk of*

R.S.O. 1897, c. 7, Form 10.

FORM 10.

(Section 16.)

CLERK'S NOTICE TO PARTY COMPLAINING.

The Ontario Voters' Lists Act.

You are hereby notified that a Court of Revision of the Voters' List, 19 , for the Municipality of will be held by the Judge of the County Court of the County of at , on the day of 19 , at o'clock, at which Court all complaints will be heard and determined. A list of complaints is posted up in and you are hereby required to appear at the Court; and take notice, that the Judge may proceed to hear and determine the complaints, whether the parties complaining appear or not.

By order of His Honour the Judge of the County Court of the County of

Dated day of 19 .

To

A person complaining of error in the
Voters' List.

A. B.,
Clerk of the Municipality of , and
of the Court.

R.S.O. 1897, c. 7, Form 11.

FORM 11.

(Section 17.)

CLERK'S NOTICE TO PARTY COMPLAINED AGAINST.

The Ontario Voters' Lists Act.

You are hereby notified that a Court for the Revision of the Voters' List, 19 , for the Municipality of , will be held by the Judge of the County Court of the County of at , on the day of 19 , at o'clock, and you are required to appear at the Court, for that has complained that your name is wrongly inserted in the said Voters' List because (*state matter of complaint concisely*). A list of all complaints lodged is posted up in ; and take notice, that the Judge may proceed to hear and determine the said complaint, whether you appear or not.

By order of his Honour the Judge of the County Court of the County of

To

Entered on Voters' List.

A. B.,
Clerk of the said Municipality, and
of the Court.

R.S.O. 1897, c. 7, Form 12.

FORM 12.

(Section 17, Subsec. 1.)

SEAL.

SUBPENA.

ONTARIO :
County of ,
To Wit.

EDWARD THE SEVENTH, by the Grace of God, of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, King, Defender of the Faith, Emperor of India.

To

Greeting:

We command you, that, all excuses being laid aside, you be and appear in your proper person before our Judge of our County Court of the County of , at , on the day of , 19 , at o'clock in the noon, at a Court appointed, and there and then to be held, for hearing complaints of errors in the Voters' List for 19 , of the Municipality of the of , in the County of , and for revision of the said Voters' List, then and there to testify to all and singular those things which you know in a certain matter (or matters) of complaint made and now depending before the said Judge, under *The Ontario Voters' Lists Act*, wherein one is complainant, and which complaint is to be tried at the said Court. (And if the witness is required to produce documents) that you bring with you and produce at the said time and place. (*Set out the documents to be produced.*) Herein fail not.

Witness, His Honour , Judge of our said Court at the day of , in the year of our Lord 19 .

Clerk.

A. B.,

R.S.O. 1897, c. 7, Form 13.

FORM 13.

(Section 20.)

REPORT OF CLERK WHEN APPLYING FOR CERTIFICATE UNDER SECTION 20.

To the Judge of the County Court of the County of

I, , Clerk of the Municipality of , in the County of , do hereby certify as follows:

That I did, on the day of 19 , post up, and for a period of thirty days next thereafter did keep posted up in a conspicuous place in my office at , a correct printed copy of the Voters' List for the Municipality of for 19 , made in pursuance of *The Ontario Voters' Lists Act*, with the certificate required by section 10 of the said Act endorsed thereon.

That I did also deliver or transmit by post, by registered letter, or by parcel post, registered, the required number of similar printed copies of the List, with my certificate endorsed, to each of the persons entitled to the same under section 8 of said Act.

That I did on the day of 19 , cause to be inserted in the newspaper called the " , " published in , the notice required by section 12 of the said Act.

That no person gave me nor did I receive, within thirty days after I had posted up the List in my office, any written notice of complaint or intention to apply to the Judge in respect to the List.

And that to the best of my knowledge and belief, I have complied with all the requirements of the said Act, so as to entitle me to apply for certified copies under section 20, and I now apply to you to certify three of the copies of the List received by you as being the Revised List of Voters for the municipality of the said
of for 19

Witness my hand this day of 19

Clerk of the Municipality of

.....P. O.

R.S.O. 1897, c. 7, Form 14.

FORM 14.

(Section 20.)

CERTIFICATE WHERE NO COMPLAINTS.

A. B., Clerk of the Municipality of the
, having certified under his hand that no complaint respecting the List of Voters for said municipality, for the year, 19 , had been received by him within thirty days after the first posting up of the same; and on application of the Clerk,
I, , Judge of the County Court of the County of , in pursuance of the provisions of *The Ontario Voters' List Act*, certify that the annexed printed List of Voters, being one of the copies received by me from the Clerk, under section 8 of the said Act, is the Revised List of Voters for the said Municipality for the year 19 .

Given under my hand and seal, at , this day
of , 19 .

Judge.

R.S.O. 1897, c. 7, Form 15.

FORM 15.

(Section 21.)

CERTIFICATE OF JUDGE WHEN COMPLAINTS HAVE BEEN MADE.

I, , Judge of the County Court of the County of , pursuant to section 21 of *The Ontario Voters' Lists Act*, do hereby certify that the above (as the case may be) is a correct copy of the List of Voters, for the year 19 , received by me from the Clerk of the Municipality of the of , according to my revision and correction thereof, pursuant to the provisions of the said Act.

Dated at , this day of , 19 .

Judge.

R.S.O. 1897, c. 7, Form 17.

FORM 16.

(Section 33, Subsec. 1.)

ORDER FOR PAYMENT OF COSTS.

The Ontario Voters' Lists Act.

In the matter of the Voters' List for the Municipality of 19 , on the complaint or appeal of A. B., complaining of the name of C. D. being wrongly inserted in the said list (*or, as the case may be, stating in brief the nature of the complaint.*)

On proceedings taken before me I find and adjudge that the name of the said C. D. was rightly inserted in the said list (*or, was wrongly inserted in the said list*) and order that the said A. B. do pay the said C. D. his costs occasioned by the said complaint (*or, and order that the said C. D. shall pay the said A. B. his costs incident to the said complaint:—or, and order that E. F., the Assessor of the said Municipality, do pay the said A. B. his costs incident to the said complaint,—or as the case may be, stating it in brief*), which I fix at the sum of \$

Dated at , this day of , 19 .

Judge.

R.S.O. 1897, c. 7, Form 18.

FORM 17.

(Section 36.)

WRIT OF EXECUTION.

In the Division Court in the County of

Whereas on the day of , His Honour , Judge of the County Court of the County of

made his order that C. D. should pay to A. B. dollars as and for his costs sustained by him on the trial of a complaint against the Voters' List for the Municipality of in the said County, for 19 , (*or as the case may be*) made and prosecuted under the provisions of *The Ontario Voters' List Act*, which said costs have been fixed and allowed at the said sum. You are hereby required to levy of the goods and chattels of the said C. D. in the said County (not exempt from execution) the said money and your lawful fees, so that you may have the same within thirty days from the date hereof and pay the same over to the Clerk of this Court for the said A. B.

Given under the seal of the Court this day of , 19 .

X. Y.

Clerk.

To V. W.,

Bailiff of said Court.

FORM 18.

(Section 42, Subsec. 1.)

APPLICATION TO JUDGE AGAINST DELINQUENT CLERK.

Pursuant to section 42 of *The Ontario Voters' Lists Act*, I, A. B., Clerk of the Peace for the County of _____ (or, a person entitled to be entered on the Voters' List for the Municipality of _____, for 19____,) hereby inform His Honour the Judge of the County Court of the said County, that C. D., Clerk of the Municipality of _____, in the said County, has failed to perform the duties required of him as such Clerk by the said Act, in this, that he has not made out the Alphabetical List of Voters for 19____, for the said Municipality, within thirty days after the final revision and correction of the Assessment Roll thereof (or, has not delivered or transmitted printed copies of the Voters' List for the said Municipality, for 19____, to _____ and _____ or to any of them, or, as the case may be, stating in brief the duty not performed), according to the requirements of the Act; and I apply to you to enforce the performance of the duties aforesaid.

Dated at _____, this _____ day of _____ 19____.
A. B.,
Clerk of the Peace.

R.S.O. 1897, c. 7, Form 21.

FORM 19.

(Section 42, Subsec. 3.)

SUMMONS.

The Ontario Voters' Lists Act.

In the matter of the Voters' List for the Municipality of _____ in the County of _____, for 19____.

Whereas it appears by the application of A. B., the Clerk of the Peace for the said County, (or, a person entitled to be entered on the said List), made to me, in pursuance of the said Act, that you have failed to perform certain duties required of you by the said Act, in this, that you have not made out the Alphabetical List of Voters for 19____, for the said Municipality, within thirty days after the final revision and correction of the Assessment Roll thereof (or, as the case may be, following the application); and whereas the said A. B. has applied to me to enforce the performance of the duties aforesaid;

You are hereby required to appear before me at _____ in _____, on the _____ day of _____ 19____, at the hour of _____, and produce before me the Assessment Roll for 19____, for the said Municipality, and any documents in your custody, power or control, relating to the Assessment Roll, or to the List aforesaid: and submit yourself for examination on oath.

Dated this _____ day of _____ 19____.
To C. D.,
Clerk of the Municipality of _____
Judge.

R.S.O. 1897, c. 7, Form 22.

FORM 20.

(Section 57.)

OATH OF ENUMERATOR PREPARING VOTERS' LISTS IN UNORGANIZED TERRITORY.

I, _____ of the _____ of _____ in the district of _____ and Province of _____, the enumerator whose duty it is under *The Ontario Voters' Lists Act* to prepare the Voters' Lists in and for the electoral district (or portion of the electoral district, describing such portion) of _____ in the Province of _____, do hereby solemnly swear that I will well and faithfully discharge the duties assigned to me by the said Act without favour or partiality; that I will place no name on the list of voters for the said electoral district (or portion of the said electoral district) or any of the polling districts thereof, and will omit no name from the same, unless I shall be satisfied that such name should by law be placed on or omitted from such list; and that I will in all respects, to the best of my ability, conform to the said Act and to the law. So help me God.

Sworn before me, at the _____ of _____ in the _____ of _____, and Province of _____ this _____ day of _____

A.D. 19 ____

(District or County Judge, or Stipendiary Magistrate,
as the case may be.)

R.S.O. 1897, c. 7, Form 24.

FORM 21.

(Section 58.)

Take notice that _____ (here insert the name of the Enumerator) will be in attendance at _____ (here insert the place) from ten o'clock in the forenoon till four o'clock in the afternoon on the _____ days of _____ 19 _____, to enroll the names of all persons qualified to vote for members of the Legislative Assembly.

Appeals with respect to the omission of voters or the improper enrolment of any alleged voter or as to any error made by the Enumerator as to the place at which a voter may vote may be made to _____ (here insert the name of the County or District Judge, as the case may be).

(Signed)

Enumerator.

Dated at _____, this _____ day of _____ 19 ____

R.S.O. 1897, c. 7, Form 23.

FORM 22a.

(Section 59.)

FORM OF AFFIDAVIT BY A PERSON CLAIMING TO BE PLACED ON THE VOTERS' LIST.

I, _____, make oath and say as follows:—
I am a British subject by birth (or naturalization) and I am not a citizen or a subject of any foreign country, and I have resided

in the Dominion of Canada for the nine months next preceding the day of , in the present year (*the day to be filled in here is the first day of June or the date fixed by proclamation for commencing to prepare the list for the Electoral District of*).

I was at the said date in good faith a resident of and domiciled in (*giving name of municipality or place for which the lists are to be prepared*) and I have resided therein continuously from the said date, and I now reside therein at (*here give the deponent's residence with as much particularity as is practicable*).

I am of the full age of 21 years and am not disqualified under *The Ontario Voters' Lists Act* or otherwise by law prohibited from voting at elections for the Legislative Assembly of Ontario.

Sworn before me at in }
the county of this day } *Signature of Voter.*
of 190 }

Signature of Justice of the Peace.

(*This oath may be taken before the Enumerator or before any Justice of the Peace, Commissioner for taking Affidavits or Notary Public.*)

FORM 22b.

(*Section 59.*)

FORM OF AFFIDAVIT FOR SAME PURPOSES AS FORM 22a WHEN THE PERSON HAS BEEN TEMPORARILY ABSENT.

I, , make oath and say as follows:—

I am a British subject by birth (*on naturalization*), and I am not a citizen or subject of any foreign country, and I have resided in the Dominion of Canada for the nine months next preceding the day of , in the present year (*the date to be filled in here is the first day of June or the date fixed by proclamation for commencing the preparation of the lists for the Electoral District of*).

I was at the said date in good faith a resident of and domiciled in (*giving the name of the municipality or place for which the lists are to be prepared*) and have resided therein continuously (*here give deponent's residence with as much particularity as is practicable*), and I have not been absent from Ontario during the said nine months except occasionally or temporarily in the prosecution of my occupation as (*mentioning the occupation, namely, a lumberman, or a mariner, or a fisherman, or a member of a permanent militia corps for continuous service, or a student in attendance in an institution of learning in the Dominion of Canada, naming the Institution*).

I am of the full age of 21 years and am not disqualified under *The Ontario Election Act* or otherwise by law prohibited from voting at elections for the Legislative Assembly of Ontario.

Sworn before me at in }
the county of this day } *Signature of Voter.*
of 190 }

Signature of Justice of the Peace.

(*This oath may be taken before the Enumerator or any Justice of the Peace, Commissioner for taking Affidavits or Notary Public.*)

FORM 23.

(Section 62).

I, _____, make oath and say:—

1. That I have set down in the Voters' List for _____ (*describe the territory for which the deponent is Enumerator*) according to the best of my information and judgment the name of every person entitled to be entered thereon.

2. That I have not entered upon the said List the name of any person which I have any reason to believe ought not to be entered thereon.

3. That I have not intentionally omitted from the said List the name of any person which I had any reason to believe ought to be entered thereon.

4. That I have to the best of my knowledge and belief discharged the duties required of me by *The Ontario Voters' Lists Act*.

Sworn before me at _____ in the District of _____, this
day of _____ 190 _____.

County (or District) Judge.

FORM 24.

(Section 64).

ONTARIO VOTERS' LISTS ACT.

Take notice that the undersigned will be in attendance at
(*here insert the place*) at _____ o'clock, on the
day of _____, to hear appeals with respect to the Voters'
Lists for the Electoral District of _____

(*District or County Judge, as the case may be*).

R.S.O. 1897, c. 7, Form 25.

3rd Session, 11th Legislature,
7 Edward VII., 1907.

BILL.

An Act to consolidate and amend the Act
respecting Voters' Lists.

First Reading, 26th March, 1907.
Second Reading, 27th March, 1907.

*(Reprinted as amended by Committee of
the whole House.)*

Mr. FOY.

TORONTO:

PRINTED BY L. K. CAMERON,

Printer to the King's Most Excellent Majesty.

An Act to amend the Department of Education Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

- 1 Section 3 of *The Department of Education Act* is 6 Edw. VII. c. 52 amended by striking out the words "Ontario Normal College" in the fifth and sixth lines and inserting therein s. 3 amended. Jurisdiction of department. after the word "Libraries" in the sixth line the words "travelling libraries, summer and vacation schools, school cadet corps."
- 10 2. Subsection 4 of section 4 of the said Act is amended 6 Edw. VII. c. 52, s. 4, subs. 4 by adding at the end thereof the words "and for the preparation of school plans and specifications." amended.
3. Subsections 6 and 7 of section 4 of the said Act are 6 Edw. VII. c. 52, s. 4, subs. 6, 7, repealed. repealed, and the following substituted therefor:
 - 15 (6) For affiliating with the Universities or the Normal Schools such Collegiate Institutes, High Schools, Public Schools or Separate Schools as Affiliating other institutions with universities. he may deem necessary for practical instruction in the art of teaching.
 - 20 (7) For accepting such courses and examinations of the Faculty of Education of an Ontario University as he may deem adequate for the professional training of first-class teachers and Accepting courses in faculty of education for professional training. High School assistant teachers.
- 25 4. Subsections 1, 2, 3, 4, 5, 6, 7, and 8 of section 23 of the said Act are repealed and the following subsections 6 Edw. VII. c. 52, s. 23, subs. 1-8 substituted therefor: repealed.
 - (1) To apportion all sums of money voted by the Legislative Assembly as a general grant for Urban, Duties of Minister. Apportionment of grant for Urban Schools. Public and Separate Schools among the several cities, towns and incorporated villages accord-

ing to the population of each as compared with the population of all the urban municipalities in the Province according to the last annual returns received from municipal clerks.

Division
between Public
and Separate
Schools,

- (2) To divide the amount so apportioned to each city, 5
town and incorporated village between the
Public and Separate Schools therein according
to the average number of pupils attending such
schools respectively during the next preceding
calendar year, or during the number of months 10
which may have elapsed from the establishment
of a new Public or Separate School as compared
with the whole average number of pupils at-
tending school in the same city, town or village,
and to pay the money so apportioned to the 15
Public Schools of each city, town and incorpor-
ated village to the municipal treasurer thereof,
and the money so apportioned to the Separate
Schools direct to the Separate School Trustees
concerned on or before the first day of July in 20
each year as the Lieutenant-Governor in Coun-
cil may direct.

Apportionment
of grant for
rural schools,

- (3) Subject to the regulations of the Department of
Education, to apportion all sums of money
voted by the Legislative Assembly as a general 25
grant for the rural Public and Separate Schools
in the organized counties and districts amongst
said rural schools in the organized counties and
in the districts respectively on the basis of the
salaries paid to the teachers, the value of the 30
equipment, the character of the accommoda-
tions, the grade of the teachers' professional
certificates, and the amount of the assessments.

When grants
to rural
schools
payable,

- (4) The grant for the rural Public and Separate
Schools in the organized counties shall be pay- 35
able on or before the first day of August, as the
Lieutenant-Governor in Council may direct, to
the treasurer of each county, and through him
(except when the county treasurer acts as sub-
treasurer also) to the various township treas- 40
urers of the county, for payment to the respect-
ive Boards of Rural Public and Separate School
Trustees upon the warrants of the Public or
Separate School Inspectors concerned.

Grants for
rural schools
to be payable
in two
instalments.

- (5) Subject to the Regulations of the Department of 45
Education, the grants for the Rural Public and
Separate Schools in the districts shall be pay-
able in two instalments direct to the respective
boards of trustees as the Lieutenant-Governor
in Council may direct; the first instalment on 50

or before the first day of August, and the second on or before the first day of December.

- (6) Under the provisions of such regulations as may be made by the Department of Education, to apportion to Public and Separate School Boards in poor rural districts, and to the residents of lumber, mining, and other settlements all sums of money voted by the Legislative Assembly for teachers' salaries to Public and Separate School Boards in poor rural districts, and for such other school purposes as the Minister of Education may consider expedient.

Apportionment of grants to poor schools

5. Subsection 10 of section 23 of the said Act is repealed and the following substituted therefor:

Edw. VII. c. 52, s. 23, subs. 10, repealed.

- (10) Subject to the Regulations of the Department of Education, to apportion out of any grants made by the Legislative Assembly for such purposes, all sums payable under any statute or regulation of the Department in that behalf towards the maintenance of Faculties of Education in any of the Universities, the Normal Schools or other Schools or Institutes for the Training of Teachers, Continuation Classes, Consolidated Schools, Technical Schools, Manual Training Departments, Household Science Departments, Instruction in Agriculture, School Gardens, Kindergartens, Night Schools, Public Libraries, Art Schools, Inspection of Schools, the Examination of Teachers, and all other Incidental Departmental Expenses; also to apportion under the provisions of such regulations as may be made by Order-in-Council all sums of money voted by the Legislative Assembly for aiding Public and Separate School Boards in rural districts to furnish text-books free of cost, and for paying the Public and High School Boards sums in aid of cadet corps, which have been established according to the Regulations of the Department of Education.

Apportionment of grant made to Normal Schools.

6. The said section 23 is amended by inserting therein the following subsection:

Edw. VII. c. 52, s. 23 amended.

- 10a. To accept in lieu of the Departmental Examinations such evidence of Academic Scholarship or professional training or experience as he may deem equivalent to what is prescribed for teachers' certificates.

Accepting other qualifications in lieu of departmental examinations.

7. All Acts and parts of Acts heretofore enacted by the Legislative Assembly of the Province of Ontario, in so far as they are inconsistent with the provisions of this Act, are repealed.

Repeal of inconsistent enactments

No. 215.

3rd Session, 11th Legislature,
7 Edward VII., 1907.

BILL.

An Act to Amend the Department of
Education.

First Reading, 27th March, 1907.

Mr. PYNE.

TORONTO:

PRINTED BY L. K. CAMERON,

Printer to the King's Most Excellent Majesty.

An Act respecting the Salaries of Members of
the Executive Council.

HIS MAJESTY, by and with the advice and consent
of the Legislative Assembly of the Province of On-
tario, enacts as follows:—

1. This Act may be cited as *The Salaries Act*.

Short title.

5 2.—(1) The salaries of the following Ministers, mem-
bers of the Executive Council of Ontario, shall be as fol-
lows, that is to say:—

Salaries of
Ministers.

	The Attorney-General	\$6,000
	The Secretary and Registrar of the Province ...	\$6,000
10	The Treasurer of the Province	\$6,000
	The Minister of Lands, Forests and Mines	\$6,000
	The Minister of Agriculture	\$6,000
	The Minister of Public Works.....	\$6,000
	The Minister of Education	\$6,000
15	The President of the Executive Council	\$6,000

(2) The Member of the Executive Council holding the
recognized position of First Minister shall receive in addi-
tion \$3,000 per annum.

(3) The said salaries shall be payable yearly and *pro*
20 *rata* for any period less than a year out of any unappro-
priated moneys forming part of the Consolidated Revenue
Fund of Ontario. (See R. S. C. 1906, cap. 4.)

No. 216.

3rd Session, 11th Legislature,
7 Edward VII., 1907.

BILL.

An Act respecting the Salaries of Members
of the Executive Council.

First Reading, 3rd April, 1907.

Mr. WHITNEY.

TORONTO:

PRINTED BY L. K. CAMERON,

Printer to the King's Most Excellent Majesty.

An Act respecting Cobalt Lake and Kerr Lake.

WHEREAS by virtue of a certain Order in Council, Preamble.
 confirmed by an Act passed in the sixth year of
 His Majesty's reign, and Chaptered 12, Cobalt Lake, Kerr
 Lake and other lands were withdrawn from exploration for
 5 mines and minerals, and from sale, lease and location, and
 whereas the said Cobalt Lake and Kerr Lake and the lands
 covered by the waters of the same, together with all mineral
 rights thereon and thereunder, have been sold and patents
 therefor granted to the purchasers thereof; and whereas it
 10 is desirable that no question should be raised as to the right
 or the Crown to make such sales and that the title of the
 several purchasers should be confirmed;

Therefore His Majesty, by and with the advice and con-
 sent of the Legislative Assembly of the Province of Ontario,
 15 enacts as follows:—

1. The said sales of Cobalt and Kerr Lakes and the lands Sales of Cobalt
and Kerr Lakes
confirmed.
 covered by waters of the same, with the mineral rights
 and the patents therefor, are hereby confirmed and the fee
 simple absolute in the said lands and in all mines and
 20 minerals being and lying in or under the said lands and
 all mining rights therein and thereto are declared to be
 vested in the said purchasers respectively as and from the
 date of the said sales absolutely freed from all claims and
 demands of every nature whatsoever in respect of or aris-
 25 ing from any discovery, location or staking.

2. Notwithstanding anything herein contained, all dis- Discoveries
and claims
prior to sales.
 coveries and claims if any made or arising prior to such
 sales shall be dealt with as provided in section 1 of the
 said Act passed in the sixth year of His Majesty's reign
 30 and Chaptered 12.

No. 217.

3rd Session, 11th Legislature,
7 Edward VII., 1907.

BILL.

An Act respecting Cobalt and Kerr Lakes.

First Reading, 4th April, 1907.

Mr. FOY.

TORONTO:

PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

An Act to amend The Ontario Election Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Where the name of a clergyman or of a High or Public or Separate School teacher is entered on the voters' list of an electoral district, he shall be entitled to vote at elections for the Legislative Assembly for such district, although he does not at the time of the election reside therein, if he has not ceased to reside in the electoral district for more than three months next preceding the election, is not entitled to vote in any other electoral district, and is otherwise qualified and still a resident of Ontario.

Clergymen and school teachers, removal not to disqualify.

2. In the case of voters to whom the next preceding section applies, the forms of oath numbered 16, 17, and 18 in the schedule to *The Ontario Election Act* shall be varied as follows:—

Oaths to be varied to meet case of clergyman or school teacher after removal from electoral district.

Form 16, by striking out all the words after the word "entered" in the third line of paragraph 4;

Form 17, by striking out all the words after the word "district" in the second line of paragraph 4;

Form 18, by striking out all the words after the word "district" in the second line of paragraph 4;

and by substituting for the words so struck out the following:—

4a. That you are a clergyman (or a High or Public or Separate School teacher, as the case may be);

4b. That you are still a resident of Ontario;

4c. That you have resided in this electoral district continuously from the said date until within three months next preceding this election;

4d. That you are not entitled to vote in any other electoral district.

Voting on
certificate
under 7 Edw.
VII, c. s.

3. A person who has obtained a certificate under the provisions of subsection — of section — of *The Manhood Suffrage Registration Act* shall be entitled to vote upon production to the proper Deputy Returning Officer of the certificate, and upon taking, if required so to do, the oath (Form 17) in the schedule to *The Ontario Election Act*. 5

Rev. Stat. c. 9,
sched. form 17,
amended.

4. Form 17 in the said schedule is also amended by adding after the words "in the list of voters" in the second line of paragraph 1, the following: "(or in the case of a person voting upon a certificate given by the Board of Appeal under *The Manhood Suffrage Registration Act*, in the certificate produced by and now shown to you)." 10

Absentees who
have been
registered to be
sworn.

5. An absentee within the meaning of section 27a of *The Manhood Suffrage Registration Act* shall before being entitled to receive a ballot paper be required to take the oath according to Form 17. 15

Rev. Stat. c. 9,
sched. form 18
amended.

6. Note 3 to Form 18 in the said schedule is amended by inserting after the word "fishermen" the words "a member of a permanent militia corps enlisted for continuous service." 20

Rev. Stat. c. 9,
s. 11, subs. 1
amended.
Absence on
military service
not to
disqualify.

7. Subsection 1 of section 11 of *The Ontario Election Act* is amended by inserting in the fourth line thereof after the word "fishermen" the words "or as a member of a permanent militia corps enlisted for continuous service." 25

3rd Session, 11th Legislature,
7 Edward VII., 1907.

BILL.

An Act to amend The Ontario Election Act

First Reading 4th April, 1907.

Mr. Foy.

TORONTO:

PRINTED BY L. K. CAMERON,

Printer to the King's Most Excellent Majesty

The Municipal Amendment Act, 1907.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Subsection 6 of section 71a of *The Consolidated Municipal Act, 1903*, is amended by striking out the words “at an annual municipal election,” in the 4th line thereof. 3 Edw. VII. c. 19, s. 71a, subs. 6 amended.

2. Subsection 4, of section 128, of *The Consolidated Municipal Act, 1903*, is amended by striking out the words “of over 100,000 inhabitants” in the proviso therein. 3 Edw. VII. c. 19, s. 128, subs. 4, amended.

3. Subsection 1 of section 141 of *The Consolidated Municipal Act, 1903*, is amended by adding thereto the following words “save in the case where two or more candidates for any office have the same surnames, in which case the christian name or names of such candidates or the initials thereof shall be printed in front of the surname and in the same font of type as the surname wherever the surname appears on the ballot paper.” 3 Edw. VII. c. 19, s. 141, subs. 1, amended.

4. Clause 1 of subsection 8 of section 189 of *The Consolidated Municipal Act, 1903*, is amended by adding thereto the following words: “and in any case where the deputy returning officers or any of them have failed to comply with the provisions of section 177 of this Act or any of them, or where from any other cause it appears desirable to do so, he may upon the application of any party to the proceedings hear such evidence as he may deem necessary for the purpose of making a full and proper recount of such ballot papers.” 3 Edw. VII. c. 19, s. 189, subs. 8, clause 1 amended. Judge may hear evidence.

5. Subsection 1 of section 220 of *The Consolidated Municipal Act, 1903*, is amended by adding after the word “time” in the eighth line thereof the words “within six weeks after the facts come to the knowledge of” and 3 Edw. VII. c. 19, s. 220, subs. 1, amended.

by adding after the word "relator" in the ninth line thereof the word "he."

3 Edw. VII.
c. 19, s. 302
amended.

6. Section 302 of *The Consolidated Municipal Act, 1903*, is amended by adding at the end thereof the following words:—

Power to
administer
oaths.

"Any auditor appointed under this Act may administer an oath or affirmation to any person concerning any account or other matter to be audited."

3 Edw. VII.
c. 19, s. 304,
subs 3
amended.

7. Subsection 3 of section 304 of *The Consolidated Municipal Act, 1903*, is amended by striking out the word "from" in the sixth line thereof and substituting therefor the word "at."

3 Edw. VII.
c. 19, s. 386,
amended.

8. Section 386 of *The Consolidated Municipal Act, 1903*, is amended by adding thereto the following:

By-law to
change mode
of issuing
debentures.

(4) In the case of any by-law heretofore or hereafter passed the municipal council may by by-law authorize a change in the mode of issue of the debentures from that defined by the by-law and may direct that the debentures be issued with coupons instead of in amounts of combined principal and interest or *vice versa* (as the case may be) and in case of the sale, pledge or hypothecation of any debenture issued under the authority of any such by-law the municipal council may upon again acquiring the same or at the request of any holder thereof cancel the same and thereupon issue one or more debentures in substitution therefor and make such new debenture or debentures payable by the same or a different mode of payment, and the assent of the electors shall not be necessary in any such case provided always that there be no change in the amount to be paid in each year.

3 Edw. VII.
c. 19, s. 435,
subs. 2,
amended.

Limit of
borrowing
powers for cur-
rent expenses.

9. Subsection 2 of section 435 of *The Consolidated Municipal Act, 1903*, as amended by section 15 of *The Municipal Amendment Act, 1904*, is amended by striking out the words "ninety per cent. of the estimates for the current year" where the same appear in the said section as amended and substituting therefor the words "ninety per cent. of the estimated ordinary expenditure for the preceding year."

3 Edw. VII.
c. 19, s. 491,
amended.

10. Section 491 of *The Consolidated Municipal Act, 1903*, is amended by adding after the word "offences" in the fourth line the words "(including offences against the by-laws of the municipality)" and by adding after the word "offenders" in the fifth line the words "and laying information before the proper tribunal and prosecuting and aiding in the prosecution of the offenders."

11. Subsection 9 of section 524 of *The Consolidated Municipal Act, 1903*, is repealed and the following substituted therefor:—

3 Edw. VII.
c. 19, s. 524,
subs. 9,
repealed.

(9) In any case where a person sent to the House of Refuge has not resided continuously in the local municipality from which he is sent for a period of one year prior to his commitment and when his place of residence previous to his coming to reside in such local municipality is unknown, or when such person so committed and not having resided continuously in the local municipality prior to his commitment for such period of one year, has previous to his residence in such local municipality resided in the county in which the House of Refuge to which he is committed is situate, the cost of maintaining such person shall be borne wholly by the county in which such House of Refuge is situate.

Maintenance of
non-residents
sent to house
of refuge.

12. Subsection 1 of section 534 of *The Consolidated Municipal Act, 1903*, is amended by adding after the word "obtaining" in the first line the words "with the consent of the owner or for entering upon, taking and acquiring without the consent of the owner."

3 Edw. VII.
c. 19, s. 534,
subs. 1,
amended.

13. Subsection (b) of section 541a of *The Consolidated Municipal Act, 1903*, as enacted by section 19 of *The Municipal Amendment Act, 1904*, is amended by striking out the word "and" after the word "stores" therein, and by adding at the end thereof the following words:—

3 Edw. VII.
c. 19, s. 541 a,
subs. (b),
amended.

"blacksmith shops, forges, dog kennels, hospitals or infirmaries for horses, dogs, or other animals."

Blacksmith
shops,
forges, etc.

14. Section 559 of *The Consolidated Municipal Act, 1903*, as amended by section 20 of *The Municipal Amendment Act, 1906*, is amended by adding thereto the following subsection:

3 Edw. VII.
c. 19, s. 559,
amended.

(4a) For constructing or laying down pipes or conduits for enclosing wires for the transmission of electricity under such streets, alleys, lanes, parks or public squares within the municipality as shall be designated and approved of by "The Ontario Railway and Municipal Board" upon the application of the municipality, or to carry such wires across or along any such streets, alleys, lanes, parks or public squares and for erecting poles on such streets, alleys, lanes, parks or public squares for the support of such wires and for authorizing the municipality to enter into agreements with electric light or power, telegraph or telephone companies for the use of such pipes, conduits or poles, and upon payment of such rental as may be agreed upon, and for issuing debentures of the corporation for the amount sufficient to pay for the construction or laying down of such pipes or conduits or the erection of such poles and

By-laws for
laying pipes or
conduits for
electric wires.

any debt incurred under such by-law shall be payable within thirty years from the date of the issue of the debentures. But no such by-law shall be finally passed until the same shall have received the assent of the electors qualified to vote upon money by-laws as provided by this Act.

3 Edw. VII.
c. 19, s. 568,
amended.

15. Section 568 of *The Consolidated Municipal Act, 1903*, is amended by adding thereto the following subsection:

Contracts with
street railway
companies for
street watering.

(3) Every Municipal Council shall have power to contract with any street railway company for watering such streets or highways within the municipality as may be agreed upon between the council and the company for any number of years, not exceeding five, and for renewing such contract from time to time for a period not exceeding five years as may be agreed upon between the council and such company.

3 Edw. VII.
c. 19, s. 583
subs. 28
amended.

16. Section 583 of *The Consolidated Municipal Act, 1903*, is amended by adding after the word "towns" in the third line preceding the paragraph numbered 28 the word "townships."

3 Edw. VII.,
c. 19, s. 583,
amended.

17. Section 583 of *The Consolidated Municipal Act, 1903*, is amended by adding after the word "towns" in the line next preceding the paragraph numbered 29 the word "townships."

3 Edw. VII.
c. 19, s. 583
subs. 39
amended.

18. The paragraph immediately preceding subsection 39 of section 583 of *The Consolidated Municipal Act, 1903*, is repealed and the following substituted therefor: "By the councils of cities and towns," and the said subsection 39 is amended by adding at the end thereof the words: "The council may in any such by-law provide that any such license may be refused for any particular location when in the opinion of the council it is not desirable to grant the same."

Laundry
Licenses.

3 Edw. VII.,
c. 19, s. 586,
subs. 6
repealed.

19. Subsection 6 of section 586 of *The Consolidated Municipal Act, 1903*, is repealed and the following substituted therefor:—

Smoke
prevention.

6. For compelling the owner, lessee, tenant, agent, manager or occupant of any premises, steam engine, locomotive or steamboat, in which a fire is burned, and every person who operates, uses or causes or permits to be used any furnace or fire within the limits of the municipality, to prevent the emission to the atmosphere from such fire, of opaque or dense smoke for a period of more than six minutes in any one hour. The point at which such emission shall be determined shall be that point at which the smoke is discharged from the opening, flue, stack or chimney to the atmosphere. Nothing herein contained shall apply to any furnace or fire used in connection with the reduction,

refining, or smelting of ores or minerals or the manufacture of cement, or to private dwelling houses except they be apartment houses of a greater height than three stories and basement.

20. The paragraph numbered 7 in section 591 of *The Consolidated Municipal Act, 1903*, is amended by inserting after the word "association" in the first line the words "or any association or corporation having for its object or one of its objects the promotion of military art, military science and military literature." 3 Edw. VII, c. 19, s. 591, par. 7 amended.

21. Section 596 of *The Consolidated Municipal Act, 1903*, is amended by adding thereto the following words "and the council of any municipality may by resolution for and on behalf of the municipality subscribe for and accept membership in any union or proposed union of Ontario municipalities designed for the object or purpose of furthering the interests of municipalities and may pay the fees for such membership and make any contributions for the expenses thereof and may pay the expenses of delegates sent to any meeting of such union or upon the business thereof." 3 Edw. VII, c. 19, s. 596, amended. Membership in union of Municipalities.

22. Subsection 1 of section 606 of *The Consolidated Municipal Act, 1903*, is amended by adding thereto the following words: "Provided that the corporation shall not be civilly responsible for such damages unless, before such damages were sustained, the reeve or other head of the corporation, or the clerk thereof or the engineer, path-master or other officer of the corporation having supervision over the road, street, bridge or highway upon or in respect of which such default occurred has had express notice of the default causing such damages a sufficient time before the same occurred to enable the corporation to remedy the same." 3 Edw. VII, c. 19, s. 606, s. 1, amended. Express notice of default required.

23. Subsection 1 of section 617 of *The Consolidated Municipal Act, 1903*, is amended by striking out all the words thereof after the word "respectively" in the 9th and 10th lines. 3 Edw. VII, c. 19, s. 617, subs. 1, amended.

24. Subsection 1 of section 617a of *The Consolidated Municipal Act, 1903*, is amended by adding after the word "township" in the first line the words "or of any town having an equalized assessment of less than \$1,000,000," and by adding the words "or 'own'" after the word "township" in the fifth and seventh lines thereof. 3 Edw. VII, c. 19, s. 617a, subs. 1, amended.

25. Subsections 2, 3, 4, 5 and 6 of section 617a of *The Consolidated Municipal Act, 1903*, are amended by adding after the word "township" where the same occurs in such subsections the words "or town." 3 Edw. VII, c. 19, s. 617a, subs. 2, 3, 4, 5 and 6, amended.

3 Edw. VII.,
c. 19, s. 617a,
subs. 7, amend-
ed.
Judgment of
Divisional
Court in cer-
tain cases to be
registered.

26. Subsection 7 of section 617a of *The Consolidated Municipal Act, 1903*, as enacted by section 32 of *The Municipal Amendment Act, 1905*, is amended by adding thereto the words "and in case the order of the Judge of the County Court is varied or set aside, the judgment of the Divisional Court shall be registered in like manner as in the case of the order of the County Court Judge."

3 Edw. VII.,
c. 19, s. 618,
repealed.

27. Section 618 of *The Consolidated Municipal Act, 1903*, is repealed and the following substituted therefor:—

Settlement of
disputes
between
county councils
and local
municipalities
with respect to
bridges.

618.—(1) Whenever there is a dispute between a county council and the council of any local municipality (other than a city or separated town) within the county, as to whether the duty or liability to build and maintain a bridge in whole or in part belongs to or rests upon such county council or the council of such local municipality, or as to the proportions in which they should respectively contribute to the building or maintenance of such bridge, the council of such county or of such local municipality may by resolution set forth the grounds of complaint or the question in dispute and may by such resolution declare that application should be made to the Judge of the County Court of the county for an order determining the matter in dispute.

Resolution to
be served.

(2) After the passing of such resolution the clerk of the county or such local municipality shall forthwith serve a copy thereof, certified to be a true copy under his hand and the corporate seal of the county or local municipality, upon the clerk of the county or of the local municipality concerned in the matter in dispute as the case may be.

Procedure after
resolution
served.

(3) After the service of such resolution application may be made by or on behalf of the corporation, the council of which has passed the same to the Judge of the County Court of the county for an appointment in writing for the hearing of an application to determine the matter in dispute. A copy of the appointment shall be served upon the clerk of the other municipality interested, at least thirty days prior to the date fixed by the Judge for hearing such application.

Hearing of
application.

(4) At the time and place named in such appointment the Judge of the County Court shall hear the application, and the municipal corporations interested may be represented by counsel thereon and the Judge shall if he sees fit or either of the parties desire, hear evidence on oath upon the matter in dispute.

Duty of Judge
at hearing

(5) The Judge shall determine which municipal corporation shall build or maintain the bridge or the proportions for which each municipality shall contribute to the cost of the building and maintenance of the same, and

the order of the Judge shall be registered in the registry office for the registry division in which the bridge in dispute is situate, and from and after the date of such registration and subject to the determination of any appeal from the Judge's order, the bridge shall be built and maintained and kept in repair by the corporation made liable therefor, or by the corporations in the proportions fixed by the order of the Judge, and the order of the Judge shall be enforced in like manner as an order of *mandamus*.

Order of Judge to be registered.

(6) There shall be an appeal from the order or decision of the Judge to the Divisional Court of the High Court of Justice and the proceedings incident thereto shall be the same, as nearly as may be, as in the case of an appeal from a Judge of the High Court sitting in court, and in case the order of the Judge of the County Court is varied or set aside, the judgment of the Divisional Court shall be registered in like manner as in the case of the order of the County Court Judge.

Appeal to Divisional Court.

28. *The Consolidated Municipal Act, 1903*, is amended by adding thereto the following section:—

3 Edw. VII. c. 19 amended.

618*a*. Whenever there is a dispute between a county council and the council of any city or town separated from the county, or between a county council and the council of any other county or union of counties, as to whether the duty or liability to build and maintain a bridge in whole or in part rests upon such county council or the council of such other municipality or as to the proportion in which they should respectively contribute to the building or maintenance thereof, and in case the municipalities interested shall fail to agree it shall be the duty of each to appoint arbitrators as provided by this Act, to determine the matters in dispute and the award made by such arbitrators shall be final and conclusive.

Settlement of disputes between county councils and between county councils and separated cities and towns, affecting bridges.

29. Section 654 of *The Consolidated Municipal Act, 1903*, as amended by section 35 of *The Municipal Amendment Act, 1906*, is hereby repealed and the following substituted therefor:—

3 Edw. VII. c. 19, s. 654 repealed.

654.—(1) If the several townships interested in a county boundary line road do not agree as to the necessity for a deviation of the road from the boundary line, or as to the location of the deviation, or as to the adoption of an existing road for the deviation or as to the apportionment of the cost of opening and maintaining such deviation, any township interested may apply to "The Ontario Railway and Municipal Board" to determine the matter in dispute, and the Board or any member thereof after notice to the several townships interested, and after hearing such of the repre-

Settlement of disputes as to county boundary lines.

representatives of such townships as may appear before them, may make such order as may be deemed just and such order shall be final and shall not be subject to appeal. ❧

❧ 654a. If the several townships interested in a county boundary line road do not agree as to the apportionment of the cost or the work to be done in opening or maintaining the road the council of any township interested may apply to the wardens of the bordering counties to determine jointly the proportion of the cost or work to be paid or done by each of the townships interested, and the mode of expenditure, and the wardens, together with the Judge of some other county to be agreed upon by the wardens, or in case of disagreement to be named by the Chairman of "The Ontario Railway and Municipal Board," shall hear and determine the matter in dispute and their decision shall be final and shall not be subject to appeal. ❧

❧ Section 655 of *The Consolidated Municipal Act, 1903*, is amended by striking out the words "a county judge" in the last line but one of the said section and by adding thereto the following subsections:—❧

3 Edw. VII,
c. 19, s. 655
amended.

❧ (2) The wardens shall meet at the time and place so named and may agree upon the Judge of some other county to act as the third arbitrator, but in case the wardens fail to agree upon a County Judge at the said meeting it shall be their duty forthwith to notify the Chairman of "The Ontario Railway and Municipal Board" and the Chairman shall thereupon make an order appointing a Judge of some other county to act as third arbitrator and shall notify each of the wardens of his appointment. ❧

❧ (3) The warden of the county in which the township making the application is situate shall within eight days after a County Judge has been agreed upon by the wardens or notice of his appointment has been received from the Chairman of "The Ontario Railway and Municipal Board" convene a meeting of the wardens and such County Judge. ❧

3 Edw. VII. c.
19, s. 656
amended.

❧ (4) Section 656 of *The Consolidated Municipal Act, 1903*, is amended by striking out the words inserted therein by *The Municipal Amendment Act, 1904*, and *The Municipal Amendment Act, 1906*, respectively. ❧

3 Edw. VII.
c. 19, s. 667,
amended.

❧ 32. Section 667 of *The Consolidated Municipal Act, 1903*, is amended by adding after the word "improvement" in the sixth line the words "the whole or any part of."

3 Edw. VII., c.
19, s. 672, subs.
4. amended.

❧ 33. Subsection 4 of section 672 of *The Consolidated Municipal Act, 1903*, is amended by adding the following clause thereto:—

(d) Or unless the work or improvement has been constructed under section 677 hereof.

Permanent
sidewalks and
pavement.

34. Section 673 of *The Consolidated Municipal Act, 1903*, is amended by adding thereto the following, as subsection 2b:—

3 Edw. VII.
c. 19, s. 673,
amended.

(2b) To remove doubts it is hereby declared that it is and always has been lawful for the council of any city, town or village by an affirmative vote of three-fourths of all the members of the council to enact by by-law in the case of the construction of a sewer other than a sewer having a sectional area of more than four feet that a certain sum per foot frontage (fixed by the council) shall be borne and paid by the property fronting or abutting on the street or streets on which such sewer is constructed and by the owners thereof and that the remainder of the cost of construction opposite such property as well as the total cost of construction opposite exempt property and at street intersections shall be paid by the municipality at large. The provisions of this Act, relating to local improvements, shall in all other respects extend and apply to any such sewer and the construction thereof and to the issue of debentures to pay therefor and all proceedings for any of these purposes or connected therewith shall be the same as provided in the said Act for local improvements in other cases.

Rates for
construction of
sewers.

35. *The Consolidated Municipal Act, 1903*, is amended by adding thereto the following section as 677b thereof:

3 Edw. VII., c.
19, amended.

“677b. To remove doubts it is hereby declared that the intent and meaning of section 677 of this Act is and always has been that the provisions of sections 670 and 672 of this Act apply to the works and the cost thereof of the nature described in the said section 677 and constructed under the provisions thereof and that the provisions of this Act relating to borrowing money and issuing debentures to pay the cost of local improvements apply to works constructed under the provisions of said section 677.”

Work con-
structed under
section 677.

36. *The Consolidated Municipal Act, 1903*, is amended by adding thereto the following section:—

3 Edw. VII.
c. 19, amended.

675b. In case the engineer of a city, which has adopted the local improvement system with respect to the opening, widening or extension of streets in accordance with section 682 of this Act, reports, and the council of such city, by resolution or the adoption of the report passed on a two-thirds vote of all the members thereof, affirms that it is necessary and in the interests of the city at large that a public street should be opened, widened or extended and that it would be inequitable to assess the whole cost of such

Street
extensions.

opening, widening or extension upon the property in the immediate neighborhood thereof, the corporation of such city, notwithstanding that a sufficiently signed petition against the same has been presented, may carry out such work, but the corporation shall in such case pay out of the general funds of the municipality at least twenty-five per cent. of the total cost of the work after deducting the usual and legal allowances assumed by the municipality in local improvement works, and the remainder of the cost shall be assessed and levied upon the real property benefited by such work to be ascertained in the manner provided by this Act and the provisions of this Act in respect to local improvement works shall (except as varied by this section) apply to such street opening, widening or extension. The share or proportion of the cost of such work which should be assumed by the municipality shall be subject to an appeal to the Court of Revision and the County Judge, and may be increased upon such appeal.

Appeal to
Court of
Revision and
County Judge.

3 Edw. VII.
c. 19, s. 687
subs. 4,
repealed.

37. Subsection 4 of section 687 of *The Consolidated Municipal Act, 1903*, is repealed, and the following substituted therefor:—

Trustees for
managing fire
engines and
appliances.

(4) In any case where a fire engine and appliances for the purpose of fire protection have been or are about to be purchased the council of the township may pass a by-law directing that on a day to be named in the by-law a board of three trustees with the powers and for the purposes hereinafter mentioned shall be elected in the manner and for the terms directed in the said by-law, and may in such by-law provide for filling any vacancy or vacancies in such board of trustees as may therein be directed. The said by-law may likewise provide for the election of an auditor, and may authorize such board of trustees to appoint an auditor in addition to the auditor so elected and may prescribe the duties of such auditors.

3 Edw. VII.,
c. 19, s. 700
amended.

38. Section 700 of *The Consolidated Municipal Act, 1903*, as amended by section 34 of *The Municipal Amendment Act, 1904*, is amended by adding after the word "smelting" in the second line thereof the words "or refining."

3 Edw. VII.,
c. 19, s. 740,
amended.

39. Section 740 of *The Consolidated Municipal Act, 1903*, is amended by adding at the end thereof the following words—"and in case the trustees and the council fail to agree as to such proportion the same shall be determined by the judge of the county as sole arbitrator on application made to him for that purpose by the trustees or the council."

40. Subsection 1 of section 746 of *The Consolidated Municipal Act, 1903*, is amended by adding after the word "public" in the sixth line the words "highway or for a public."^{3 Edw. VII., c. 19, s. 746 subs. 1 amended.}

41. Subsection 2 of section 746 of *The Consolidated Municipal Act, 1903*, is amended by adding after the word "such" in the third line thereof the words "public highway."^{3 Edw. VII., c. 19, sec 746, subs. 2 amended.}

42. Subsection 3 of section 746 of *The Consolidated Municipal Act, 1903*, is amended by adding after the word "public" in the second and sixth lines thereof the word "highway."^{3 Edw. VII., sec. 746, subs. 3 amended.}

No. 219.

3rd Session, 11th Legislature,
7 Edward VII., 1907.

BILL.

The Municipal Amendment Act, 1907.

First Reading, 5th April, 1907.

MR. HANNA

TORONTO:

PRINTED BY L. K. CAMERON,

Printer to the King's Most Excellent Majesty

The Municipal Amendment Act, 1907.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Subsection 6 of section 71a of *The Consolidated Municipal Act, 1903*, is amended by striking out the words “at an annual municipal election,” in the 4th line thereof. 3 Edw. VII. c. 19, s. 71a, subs. 6 amended.

2. Subsection 4, of section 128, of *The Consolidated Municipal Act, 1903*, is amended by striking out the words “of over 100,000 inhabitants” in the proviso therein. 3 Edw. VII. c. 19, s. 128, subs. 4, amended.

3. Subsection 1 of section 141 of *The Consolidated Municipal Act, 1903*, is amended by adding thereto the following words “save in the case where two or more candidates for any office have the same surnames, in which case the christian name or names of such candidates or the initial thereof shall be printed in front of the surname and in the same font of type as the surname wherever the surname appears on the ballot paper.” 3 Edw. VII. c. 19, s. 141, subs. 1, amended.

4. Clause 1 of subsection 8 of section 189 of *The Consolidated Municipal Act, 1903*, is amended by adding thereto the following words: “and in any case where the deputy returning officers or any of them have failed to comply with the provisions of section 177 of this Act or any of them, or where from any other cause it appears desirable to do so, he may upon the application of any party to the proceedings hear such evidence as he may deem necessary for the purpose of making a full and proper recount of such ballot papers.” 3 Edw. VII. c. 19, s. 189, subs. 8, clause 1, amended. Judge may hear evidence.

5. Subsection 1 of section 220 of *The Consolidated Municipal Act, 1903*, is amended by adding after the word “time” in the eighth line thereof the words “within six weeks after the facts come to the knowledge of” and 3 Edw. VII. c. 19, s. 220, subs. 1, amended.

by adding after the word "relator" in the ninth line thereof the word "he."

3 Edw. VII.
c. 19, s. 302
amended.

6. Section 302 of *The Consolidated Municipal Act, 1903*, is amended by adding at the end thereof the following words:—

Power to
administer
oaths.

"Any auditor appointed under this Act may administer an oath or affirmation to any person concerning any account or other matter to be audited."

3 Edw. VII.
c. 19, s. 304,
subs. 3
amended.

7. Subsection 3 of section 304 of *The Consolidated Municipal Act, 1903*, is amended by striking out the word "from" in the sixth line thereof and substituting therefor the word "at."

3 Edw. VII.
c. 19, s. 386,
amended.

8. Section 386 of *The Consolidated Municipal Act, 1903*, is amended by adding thereto the following:

By-law to
change mode
of issuing
debentures.

(4) In the case of any by-law heretofore or hereafter passed the municipal council may by by-law authorize a change in the mode of issue of the debentures from that defined by the by-law and may direct that the debentures be issued with coupons instead of in amounts of combined principal and interest or *vice versa* (as the case may be) and in case of the sale, pledge or hypothecation of any debenture issued under the authority of any such by-law the municipal council may upon again acquiring the same or at the request of any holder thereof cancel the same and thereupon issue one or more debentures in substitution therefor and make such new debenture or debentures payable by the same or a different mode of payment, and the assent of the electors shall not be necessary in any such case provided always that there be no change in the amount to be paid in each year.

~~11~~ 9.—(1) Subsection 1 of section 435 of *The Consolidated Municipal Act, 1903*, is amended by adding after the word "corporation" in the sixth line thereof the words: "and such further sums as may be required to be paid to the treasurer of the respective Public School Boards from time to time upon the requisition of the school trustees as provided for by *The Public Schools Act*." ~~11~~

3 Edw. VII.
c. 19, s. 435,
subs. 2,
amended.

Limit of
borrowing
powers for cur-
rent expenses

(2) Subsection 2 of section 435 of *The Consolidated Municipal Act, 1903*, as amended by section 15 of *The Municipal Amendment Act, 1904*, is amended by striking out the words "ninety per cent. of the estimates for the current year" where the same appear in the said section as amended and substituting therefor the words "ninety per cent. of the estimated ordinary expenditure for the preceding year," ~~11~~ and such further sums as may be required to be paid to the treasurer of the respective Public School Boards from time to time upon the requisition of the school trustees as provided for by *The Public Schools Act*. ~~11~~

10. Section 491 of *The Consolidated Municipal Act, 1903*, is amended by adding after the word "offences" in the fourth line the words "(including offences against the by-laws of the municipality)" and by adding after the word "offenders" in the fifth line the words "and laying information before the proper tribunal and prosecuting and aiding in the prosecution of the offenders." 3 Edw. VII. c. 19, s. 491, amended.

11. Subsection 9 of section 524 of *The Consolidated Municipal Act, 1903*, is repealed and the following substituted therefor:— 3 Edw. VII. c. 19, s. 524, subs. 9, repealed.

(9) In any case where a person sent to the House of Refuge has not resided continuously in the local municipality from which he is sent for a period of one year prior to his commitment and when his place of residence previous to his coming to reside in such local municipality is unknown, or when such person, so committed and not having resided continuously in the local municipality prior to his commitment for such period of one year, has previous to his residence in such local municipality resided in the county in which the House of Refuge to which he is committed is situate, the cost of maintaining such person shall be borne wholly by the county in which such House of Refuge is situate. Maintenance of non-residents sent to house of refuge.

12. Subsection 1 of section 534 of *The Consolidated Municipal Act, 1903*, is amended by adding after the word "obtaining" in the first line the words "with the consent of the owner or for entering upon, taking and acquiring without the consent of the owner." 3 Edw. VII. c. 19, s. 534, subs. 1, amended.

13. Subsection (b) of section 541a of *The Consolidated Municipal Act, 1903*, as enacted by section 19 of *The Municipal Amendment Act, 1904*, is amended by striking out the word "and" after the word "stores" therein, and by adding at the end thereof the following words:— 3 Edw. VII. c. 19, s. 541 a, subs. (b), amended.

"blacksmith shops, forges, dog kennels, hospitals or infirmaries for horses, dogs, or other animals." Blacksmith shops, forges, etc.

14. Section 559 of *The Consolidated Municipal Act, 1903*, as amended by section 20 of *The Municipal Amendment Act, 1906*, is amended by adding thereto the following subsection: 3 Edw. VII. c. 19, s. 559, amended.

(4a) For constructing or laying down pipes or conduits for enclosing wires for the transmission of electricity under such streets, alleys, lanes, parks or public squares within the municipality as shall be designated and approved of by "The Ontario Railway and Municipal Board" upon the application of the municipality, or to carry such wires across or along any such streets, alleys, lanes, parks or public squares and for erecting poles on such streets. By-laws for laying pipes or conduits for electric wires.

alleys, lanes, parks or public squares for the support of such wires and for authorizing the municipality to enter into agreements with electric light or power, telegraph or telephone companies for the use of such pipes, conduits or poles, and upon payment of such rental as may be agreed upon, and for issuing debentures of the corporation for the amount sufficient to pay for the construction or laying down of such pipes or conduits or the erection of such poles and any debt incurred under such by-law shall be payable within thirty years from the date of the issue of the debentures. But no such by-law shall be finally passed until the same shall have received the assent of the electors qualified to vote upon money by-laws as provided by this Act.

3 Edw. VII.,
c. 19, s. 568,
amended.

15. Section 568 of *The Consolidated Municipal Act, 1903*, is amended by adding thereto the following subsection:

Contracts with
street railway
companies for
street watering.

(3) Every Municipal Council shall have power to contract with any street railway company for watering such streets or highways within the municipality as may be agreed upon between the council and the company for any number of years, not exceeding five, and for renewing such contract from time to time for a period not exceeding five years as may be agreed upon between the council and such company.

3 Edw. VII.,
c. 19, s. 569,
subs. 5
amended.

16. Subsection 5 of section 569 of *The Consolidated Municipal Act, 1903*, as enacted by section 21 of *The Statute Law Amendment Act, 1906*, is amended by adding after the word "waterworks" in the eleventh line the words "or works for the development of a water power for generating electrical power or energy."

3 Edw. VII.,
c. 19, s. 583,
subs. 39
amended.

17. The paragraph immediately preceding subsection 39 of section 583 of *The Consolidated Municipal Act, 1903*, is repealed and the following substituted therefor: "By the councils of cities and towns," and the said subsection 39 is amended by adding at the end thereof the words: "The council may in any such by-law provide that any such license may be refused for any particular location when in the opinion of the council it is not desirable to grant the same."

Laundry
Licenses.

3 Edw. VII.
c. 19, s. 591,
par. 7
amended.

18. The paragraph numbered 7 in section 591 of *The Consolidated Municipal Act, 1903*, is amended by inserting after the word "association" in the first line the words "or any association or corporation having for its object or one of its objects the promotion of military art, military science and military literature."

3 Edw. VII.,
c. 19, s. 596,
amended.

19. Section 596 of *The Consolidated Municipal Act, 1903*, is amended by adding thereto the following words "and the council of any municipality may by resolution

for and on behalf of the municipality subscribe for and accept membership in any union or proposed union of Ontario municipalities designed for the object or purpose of furthering the interests of municipalities and may pay the fees for such membership and make any contributions for the expenses thereof and may pay the expenses of delegates sent to any meeting of such union or upon the business thereof."

Membership
in union of
Municipalities.

20. Subsection 1 of section 606 of *The Consolidated Municipal Act, 1903*, is amended by adding after the word "default" in the sixth line thereof the following words: "If the default from which the damages arose consist of misfeasance or if such default consists of nonfeasance and the corporation has had sufficient express notice of such latter default to enable it in the ordinary course of its business to remedy the same." And by adding to the said subsection the words: "Such notice may be given to the Reeve or other head of the corporation or the Clerk thereof or the engineer, pathmaster or other officer of the corporation having supervision over the road, street, bridge or highway upon or in respect of which such default occurred."

3 Edw. VII.,
c. 19, s. 606,
subs. 1, amend-
ed.
Express notice
of default
required.

21. Subsection 1 of section 617 of *The Consolidated Municipal Act, 1903*, is amended by striking out all the words thereof after the word "respectively" in the 9th and 10th lines.

3 Edw. VII.,
c. 19, s. 617,
subs. 1,
amended.

22. Subsection 1 of section 617a of *The Consolidated Municipal Act, 1903*, is amended by adding after the word "township" in the first line the words "or of any town having an equalized assessment of less than \$1,000,000," and by adding the words "or 'own'" after the word "township" in the fifth and seventh lines thereof.

3 Edw. VII.,
c. 19, s. 617a,
subs. 1,
amended.

23. Subsections 2, 3, 4, 5 and 6 of section 617a of *The Consolidated Municipal Act, 1903*, are amended by adding after the word "township" where the same occurs in such subsections the words "or town"

3 Edw. VII.,
c. 19, s. 617a,
subs. 2, 3, 4, 5
and 6,
amended.

24. Subsection 7 of section 617a of *The Consolidated Municipal Act, 1903*, as enacted by section 32 of *The Municipal Amendment Act, 1905*, is amended by adding thereto the words "and in case the order of the Judge of the County Court is varied or set aside, the judgment of the Divisional Court shall be registered in like manner as in the case of the order of the County Court Judge."

3 Edw. VII.,
c. 19, s. 617a,
subs. 7, amend-
ed.
Judgment of
Divisional
Court in cer-
tain cases to be
registered.

25. Section 618 of *The Consolidated Municipal Act, 1903*, is repealed and the following substituted therefor:—

3 Edw. VII.,
c. 19, s. 618,
repealed.

618.—(1) Whenever there is a dispute between a county council and the council of any local municipality (other than a city or separated town) within the county, as to

Settlement of
disputes
between
county councils
and local

municipalities
with respect to
bridges.

whether the duty or liability to build and maintain a bridge in whole or in part belongs to or rests upon such county council or the council of such local municipality; or as to the proportions in which they should respectively contribute to the building or maintenance of such bridge, the council of such county or of such local municipality may by resolution set forth the grounds of complaint or the question in dispute and may by such resolution declare that application should be made to the Judge of the County Court of the county for an order determining the matter in dispute.

Resolution to
be served.

(2) After the passing of such resolution the clerk of the county or such local municipality shall forthwith serve a copy thereof, certified to be a true copy under his hand and the corporate seal of the county or local municipality, upon the clerk of the county or of the local municipality concerned in the matter in dispute as the case may be.

Procedure after
resolution
served.

(3) After the service of such resolution application may be made by or on behalf of the corporation, the council of which has passed the same to the Judge of the County Court of the county for an appointment in writing for the hearing of an application to determine the matter in dispute. A copy of the appointment shall be served upon the clerk of the other municipality interested, at least thirty days prior to the date fixed by the Judge for hearing such application.

Hearing of
application.

(4) At the time and place named in such appointment the Judge of the County Court shall hear the application, and the municipal corporations interested may be represented by counsel thereon and the Judge shall if he sees fit or either of the parties desire, hear evidence on oath upon the matter in dispute.

Duty of Judge
at hearing

(5) The Judge shall determine which municipal corporation shall build or maintain the bridge or the proportions for which each municipality shall contribute to the cost of the building and maintenance of the same, and the order of the Judge shall be registered in the registry office for the registry division in which the bridge in dispute is situate, and from and after the date of such registration and subject to the determination of any appeal from the Judge's order, the bridge shall be built and maintained and kept in repair by the corporation made liable therefor, or by the corporations in the proportions fixed by the order of the Judge, and the order of the Judge shall be enforced in like manner as an order of *mandamus*.

Order of Judge
to be register-
ed.

Appeal to Divi-
sional Court.

(6) There shall be an appeal from the order or decision of the Judge to the Divisional Court of the High Court of Justice and the proceedings incident thereto shall be the same, as nearly as may be, as in the case of an appeal from

a Judge of the High Court sitting in court, and in case the order of the Judge of the County Court is varied or set aside, the judgment of the Divisional Court shall be registered in like manner as in the case of the order of the County Court Judge.

26. *The Consolidated Municipal Act, 1903*, is amended ^{3 Edw. VII. c. 19 amended.} by adding thereto the following section:—

618a. Whenever there is a dispute between a county council and the council of any city or town separated from the county, or between a county council and the council of any other county or union of counties, as to whether the duty or liability to build and maintain a bridge in whole or in part rests upon such county council or the council of such other municipality or as to the proportion in which they should respectively contribute to the building or maintenance thereof, and in case the municipalities interested shall fail to agree it shall be the duty of each to appoint arbitrators as provided by this Act, to determine the matters in dispute and the award made by such arbitrators shall be final and conclusive.

Settlement of disputes between county councils and between county councils and separated cities and towns, affecting bridges.

27. Section 654 of *The Consolidated Municipal Act, 1903*, ^{3 Edw. VII. c. 19, s. 654 repealed.} as amended by section 35 of *The Municipal Amendment Act, 1906*, is hereby repealed and the following substituted therefor:—

654. If the several townships interested in a county boundary line road do not agree as to the necessity for a deviation of the road from the boundary line, or as to the location of the deviation, or as to the adoption of an existing road for the deviation or as to the apportionment of the cost of opening and maintaining such deviation, any township interested may apply to "The Ontario Railway and Municipal Board" to determine the matter in dispute, and the Board or any member thereof after notice to the several townships interested, and after hearing such of the representatives of such townships as may appear before them, may make such order as may be deemed just and such order shall be final and shall not be subject to appeal.

Settlement of disputes as to county boundary lines.

28. *The Consolidated Municipal Act, 1903*, is amended by adding the following as section 654a:—

654a. If the several townships interested in a county boundary line road do not agree as to the apportionment of the cost or the work to be done in opening or maintaining the road the council of any township interested may apply to the wardens of the bordering counties to determine jointly the proportion of the cost or work to be paid or done by each of the townships interested, and the mode of expenditure, and the wardens, together with the Judge of

some other county to be agreed upon by the wardens, or in case of disagreement to be named by the Chairman of "The Ontario Railway and Municipal Board," shall hear and determine the matter in dispute and their decision shall be final and shall not be subject to appeal. ■

■ 29. Section 655 of *The Consolidated Municipal Act, 1903*, is amended by striking out the words "a county judge" in the last line but one of the said section and by adding thereto the following subsections:—■

3 Edw. VII.
c. 19, s. 655
amended.

■ (2) The wardens shall meet at the time and place so named and may agree upon the Judge of some other county to act as the third arbitrator, but in case the wardens fail to agree upon a County Judge at the said meeting it shall be their duty forthwith to notify the Chairman of "The Ontario Railway and Municipal Board" and the Chairman shall thereupon make an order appointing a Judge of some other county to act as third arbitrator and shall notify each of the wardens of his appointment. ■

■ (3) The warden of the county in which the township making the application is situate shall within eight days after a County Judge has been agreed upon by the wardens or notice of his appointment has been received from the Chairman of "The Ontario Railway and Municipal Board" convene a meeting of the wardens and such County Judge. ■

3 Edw. VII. c.
19, s. 656
amended.

■ (4) Section 656 of *The Consolidated Municipal Act, 1903*, is amended by striking out the words inserted therein by *The Municipal Amendment Act, 1904*, and *The Municipal Amendment Act, 1906*, respectively. ■

3 Edw. VII.
c. 19, s. 667,
amended.

30. Section 667 of *The Consolidated Municipal Act, 1903*, is amended by adding after the word "improvement" in the sixth line the words "the whole or any part of."

3 Edw. VII., c.
19, s. 672, subs.
4, amended.

31. Subsection 4 of section 672 of *The Consolidated Municipal Act, 1903*, is amended by adding the following clause thereto:—

Permanent
sidewalks and
pavement.

(d) Or unless the work or improvement has been constructed under section 677 hereof.

3 Edw. VII.
c. 19, s. 673,
amended.

32. Section 673 of *The Consolidated Municipal Act, 1903*, is amended by adding thereto the following, as subsection 2b:—

Rates for
construction of
sewers.

(2b) To remove doubts it is hereby declared that it is and always has been lawful for the council of any city, town or village by an affirmative vote of three-fourths of all the members of the council to enact by by-law in the

case of the construction of a sewer other than a sewer having a sectional area of more than four feet that a certain sum per foot frontage (fixed by the council) shall be borne and paid by the property fronting or abutting on the street or streets on which such sewer is constructed and by the owners thereof and that the remainder of the cost of construction opposite such property as well as the total cost of construction opposite exempt property and at street intersections shall be paid by the municipality at large. The provisions of this Act, relating to local improvements, shall in all other respects extend and apply to any such sewer and the construction thereof and to the issue of debentures to pay therefor and all proceedings for any of these purposes or connected therewith shall be the same as provided in the said Act for local improvements in other cases.

33. *The Consolidated Municipal Act, 1903*, is amended ^{3 Edw. VII, c 19, amended.} by adding thereto the following section:—

675b. In case the engineer of a city, which has adopted the local improvement system with respect to the opening, widening or extension of streets in accordance with section 682 of this Act, reports, and the council of such city, by resolution or the adoption of the report passed on a two-thirds vote of all the members thereof, affirms that it is necessary and in the interests of the city at large that a public street should be opened, widened or extended and that it would be inequitable to assess the whole cost of such opening, widening or extension upon the property in the immediate neighborhood thereof, the corporation of such city, notwithstanding that a sufficiently signed petition against the same has been presented, may carry out such work, but the corporation shall in such case pay out of the general funds of the municipality at least twenty-five per cent. of the total cost of the work after deducting the usual and legal allowances assumed by the municipality in local improvement works, and the remainder of the cost shall be assessed and levied upon the real property benefited by such work to be ascertained in the manner provided by this Act and the provisions of this Act in respect to local improvement works shall (except as varied by this section) apply to such street opening, widening or extension. The share or proportion of the cost of such work which should be assumed by the municipality shall be subject to an appeal to the Court of Revision and the County Judge, and may be increased upon such appeal.

Street extensions.

Appeal to Court of Revision and County Judge.

34. *The Consolidated Municipal Act, 1903*, is amended ^{3 Edw. VII, c 19, amended.} by adding thereto the following section as 677b thereof:

“677b. To remove doubts it is hereby declared that the intent and meaning of section 677 of this Act is and always has been that the provisions of sections 670 and 672

Work constructed under section 677.

of this Act apply to the works and the cost thereof of the nature described in the said section 677 and constructed under the provisions thereof and that the provisions of this Act relating to borrowing money and issuing debentures to pay the cost of local improvements apply to works constructed under the provisions of said section 677."

3 Edw. VII.,
c. 19, s. 687
subs. 4,
repealed.

35. Subsection 4 of section 687 of *The Consolidated Municipal Act, 1903*, is repealed, and the following substituted therefor:—

Trustees for
managing fire
engines and
appliances.

(4) In any case where a fire engine and appliances for the purpose of fire protection have been or are about to be purchased the council of the township may pass a by-law directing that on a day to be named in the by-law a board of three trustees with the powers and for the purposes hereinafter mentioned shall be elected in the manner and for the terms directed in the said by-law, and may in such by-law provide for filling any vacancy or vacancies in such board of trustees as may therein be directed. The said by-law may likewise provide for the election of an auditor, and may authorize such board of trustees to appoint an auditor in addition to the auditor so elected and may prescribe the duties of such auditors.

3 Edw. VII.,
c. 19, s. 700
amended.

36. Section 700 of *The Consolidated Municipal Act, 1903*, as amended by section 34 of *The Municipal Amendment Act, 1904*, is amended by adding after the word "smelting" in the second line thereof the words "or refining."

3 Edw. VII.,
c. 19, s. 740,
amended.

37. Section 740 of *The Consolidated Municipal Act, 1903*, is amended by adding at the end thereof the following words—"and in case the trustees and the council fail to agree as to such proportion the same shall be determined by the judge of the county as sole arbitrator on application made to him for that purpose by the trustees or the council."

3 Edw. VII.,
c. 19 s. 746
subs. 1 amend-
ed.

38. Subsection 1 of section 746 of *The Consolidated Municipal Act, 1903*, is amended by adding after the word "public" in the sixth line the words "highway or for a public."

3 Edw. VII.,
c. 19, sec 746,
subs. 2
amended.

39. Subsection 2 of section 746 of *The Consolidated Municipal Act, 1903*, is amended by adding after the word "such" in the third line thereof the words "public highway."

3 Edw. VII.,
sec. 746, subs.
3 amended.

40. Subsection 3 of section 746 of *The Consolidated Municipal Act, 1903*, is amended by adding after the word "public" in the second and sixth lines thereof the word "highway."

3rd Session, 11th Legislature,
7 Edward VII., 1907.

BILL.

The Municipal Amendment Act, 1907.

First Reading, 5th April, 1907.
Second Reading, 9th April, 1907.

*(Reprinted as amended by Committee of
the Whole House.)*

Mr. HANNA.

TORONTO:

PRINTED BY L. K. CAMERON,

Printer to the King's Most Excellent Majesty

The Assessment Amendment Act, 1907.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. *The Assessment Act* is amended by adding thereto the 4 Edw. VII.
5 following section: c. 23, amended...

10a. Subject to subsection 9 of section 14 of this Act Assessment of
whenever any structures, pipes, poles, wires or other pro- pipes, poles,
perty otherwise assessable under this Act are erected or wires, etc., on
placed upon, in, over, under or affixed to the roadway boundary lines.
15 forming the boundary line between two local municipali-
ties or so that such structures are in some places on one
side of the centre of such boundary line and in some places
on the other or are so erected or placed in a road which
is a boundary line, although the same may deviate so as
15 in some places to be wholly or partly in either of them.
the person, corporation or company liable to assessment
therefor shall be assessed therefor by the municipality in
or nearer to which the said property so liable to assess-
ment is situate and the municipality so assessing the same
20 shall pay over to the municipality jointly interested in
such boundary line one half the taxes collected on such
assessment.

2. Subsection 2 of section 12 of *The Assessment Act* is
amended by adding at the beginning thereof the words
25 "Subject to the provisions of subsection 3 of section 36
of this Act."

3. Subsection 9 of section 14 of *The Assessment Act* is 4 Edw. VII.
repealed. c. 23, s. 14,
subs. 9, repeal-
ed.

4. Subsection 1 of section 36 of *The Assessment Act* is
30 amended by striking out the words "other than oil lands"
added therein by section 10 of *The Assessment Amendment
Act, 1906*.

5. Subsection 3 of section 36 of *The Assessment Act* is amended by striking out the words "other than oil lands" and the words "other than those on oil lands" inserted therein by section 11 of *The Assessment Amendment Act, 1906*, and by adding at the end thereof the following 5 words: "and the assessment on such income shall be made by and the tax leviable thereon shall be paid to the municipality in which such mine or mineral work is situate. Provided, however, that the assessment for income from each oil or gas well operated at any time during the year 10 shall be at least twenty dollars."

4 Edw. VII.
c. 23, s. 36,
amended.

6. Section 36 of *The Assessment Act* is amended by adding thereto the following subsection:

(4) Where in any deed or conveyance of lands heretofore or hereafter made the mineral rights in such lands 15 have been or shall be reserved to the grantor such mineral rights shall be assessed at their actual value.

4 Edw. VII.
c. 23, s. 40,
subs. 1,
amended.

7. Subsection 1 of section 40 of *The Assessment Act* is amended by striking out the word "cities" in the third line thereof; also by striking out the words "two acres in 20 cities and ten acres in towns and villages" in the seventh and eighth lines thereof and substituting the words "ten acres."

4 Edw. VII.
c. 23, s. 57,
subs. 2,
amended.

8. Subsection 2 of section 57 of *The Assessment Act* is repealed and the following substituted therefor:— 25

Payment of
members of
City Court of
Revision.

2. Each member of the Court of Revision for a city shall be paid such sum for his services as the council may by by-law or resolution provide.

4 Edw. VII.
c. 23, s. 99, subs.
2, amended.

9. Subsection 2 of section 99 of *The Assessment Act* is amended by adding after the word "towns" in the first 30 line the word "townships."

3rd Session, 11th Legislature,
7 Edward VII., 1907.

BILL.

The Assessment Amendment Act, 1907.

First Reading, 5th April, 1907.

Mr. HANNA.

TORONTO:

PRINTED BY L. K. CAMERON,

Printer to the King's Most Excellent Majesty.

An Act for the Preservation of Butlers' Burying
Grounds at Niagara on the Lake.

WHEREAS the parcel of land described in the schedule hereto was set apart as a burying ground and the remains of Colonel John Butler and of other officers and men of the corps known as Butler's Rangers were interred therein, and whereas the said burying ground has for many years past been disused and neglected; and whereas it is expedient that the said ground should be properly cared for and that a monument to the memory of the said Colonel John Butler and others should be erected therein, and that permanent provision should be made for the care of the said ground;

Preamble.

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

- 15 1. The Commissioners for The Queen Victoria Niagara Falls Park shall have power to acquire the said burying ground and shall have all the powers in respect thereof which are contained in the Act entitled *An Act for the preservation of the Natural Scenery at Niagara Falls*,
20 passed in the forty-eighth year of the reign of Her late Majesty Queen Victoria, Chaptered 21, and in all other Acts relating to the said Commissioners, excepting only that there shall not be power to mortgage or otherwise encumber the said lands.
- 25 2. The said Commissioners shall also have power to acquire roadways not exceeding forty feet in width from each one of the roads adjacent to the lands in which the said burying ground is situate.
- 30 3. Upon acquiring the said lands or any part thereof by conveyance or otherwise from any person now in possession of the said lands or any part thereof claiming title by

Power of Commissioners to acquire burying ground.

Acquiring roadways.

Lands to be vested in commissioners.

prescription, or by conveyance from a person or persons claiming title by prescription, and showing such title to the satisfaction of the said Commissioners a valid title to the said lands shall vest in the said Commissioners.

Lands to be
acquired to be
ascertained by
Surveyor ac-
cording to
description in
schedule.

4. And whereas by reason of the boundaries of the said 5
burying ground having become obliterated and the position
of rights of way thereto being now unknown, therefore the
said Commissioners are authorized to acquire under their
said powers and authorities in that behalf such parcel or
parcels of land as shall be ascertained or determined by a 10
surveyor to be in his opinion identical or as nearly identical
as can reasonably be determined with the said burial
grounds as described or intended to be described in the
schedule hereto.

SCHEDULE.

All that certain parcel or tract of land situate in the Township of Niagara, in the County of Lincoln, containing two rods and thirty-six perches, more or less, and being part of a certain tract of land containing one hundred and fifteen acres, more or less, granted by patent from the Crown bearing date the fifth day of February, one thousand eight hundred and three, to one Andrew Butler, gentleman, and described as follows:—Commencing in survey at the distance of eighty-six chains from what is called the Mile Tree on the Garrison Line on a course bearing north seventeen degrees west and which said two rods and thirty-six perches are butted and bounded or may be otherwise known as follows, that is to say, commencing at a stone monument marked G. Y. at the south-east angle of the graveyard, thence north eight degrees forty minutes east two chains, thence north forty-nine degrees west along the bottom of the hill two chains, thence south seventy-one degrees west one chain seventeen links, thence south ten degrees west three chains fifty links, thence north seventy degrees east one chain sixty-one links to the place of beginning.

No. 221.

3rd Session, 11th Legislature,
7 Edward VII., 1907.

BILL.

An Act for the Preservation of Butler's
Burying Grounds at Niagara on the
Lake.

First Reading, 5th April, 1907.

Mr. FOY.

TORONTO:

PRINTED BY L. K. CAMERON,

Printer to the King's Most Excellent Majesty.

An Act to amend The Liquor License Laws.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Subsection 2 of section 3 of the Act passed in the 6th 6 Edw. VII.,
c. 47, s. 3,
subs. 2,
amended. year of His Majesty's reign, Chaptered 47, is amended by inserting before the word "license" in the second, fourth and fourteenth lines of the said subsection the words "tavern or shop."
2. Section 28 of the said Act passed in the 6th year of 6 Edw. VII.,
c. 47, s. 28,
subs. 4. His Majesty's reign is amended by adding at the end of subsection 4 of said section the following words: "Nor shall any such license be granted to any society, association or club formed or incorporated under *The Act respecting Benevolent Provident and other Societies*." Rev. Stat.,
c. 211.
3. Section 33 of the said Act passed in the 6th year of 6 Edw. VII.,
c. 47, s. 33,
amended. His Majesty's reign is amended by adding thereto the following subsection:
 - (9) In all cases of conviction under any of the subsections of this section in which a money penalty is imposed, the defendant in default of payment of such penalty shall be liable to imprisonment for a period not exceeding one month. Imprisonment
in default of
payment of
fine.
4. Subsection 1 of section 53 of *The Liquor License Act* Rev. Stat.,
c. 245, s. 53,
subs. 1,
amended. is amended by striking out the first twenty-one words of said subsection.
5. Subsection 3 of section 112 of *The Liquor License Act* Rev. Stat.,
c. 245, s. 112,
subs. 3,
amended. is amended by adding thereto the following words:

"And in the event of the premises being unlicensed, the owner or lessee hereinbefore mentioned who sublets to or permits to be occupied by any other person any part of the premises in which liquor is sold or kept for sale shall be conclusively held to be an occupant within the meaning of this section and may be prosecuted jointly with or separately from the actual offender, but both of them shall not be convicted of the same offence and the conviction of one of them shall be a bar to the conviction of the other of them for the same offence." 10

Rev. Stat.,
c. 245, s. 130,
subs. 2,
amended.

6. Subsection 2 of section 130 of *The Liquor License Act* is amended by adding thereto the following words:

"And the provisions of subsection 2 of section 112 of this Act shall apply to offences under this subsection."

General
provisions as
to number of
licenses to
prevail.

7. Nothing contained in any special Act shall be construed to authorize the issue of any greater number of liquor licenses in any municipality than is permitted by section 18 of *The Liquor License Act*. 15

Rev. Stat.,
c. 245, s. 78,
subs. 1,
repealed.

8. Subsection 1 of section 78 of *The Liquor License Act* is repealed and the following substituted therefor:— 20

Penalty for
supplying
liquor to
minors.

78. —(1) Any person who gives, sells or otherwise supplies liquor to any person apparently or to the knowledge of the person giving, selling or otherwise supplying the same under the age of twenty-one years shall incur a penalty of not less than \$10 and not exceeding \$50, besides costs, or imprisonment for a period not exceeding three months, but nothing in this section contained shall apply to the supplying of liquor to a person under the age of twenty-one years by the parent, guardian or physician of such person. 30

6 Edw. VII.,
c. 47, s. 22,
subs. 1,
amended.

9. Subsection 1 of section 22 of the Act passed in the 6th year of His Majesty's reign, Chaptered 47, is amended by inserting after the figures "56" in the 2nd line of the said subsection the word and figures "or 78."

6 Edw. VII.,
c. 47, s. 28,
subs. 4,
amended.
Licenses to
clubs.

10. Subsection 4 of section 28 of the said Act passed in the 6th year of His Majesty's reign is amended by adding at the end thereof the words following: "and no license under this section shall be granted to any society, association or club not incorporated under the laws of the Province of Ontario until the consent in writing of the Minister to the granting of such license has been filed with the Board." 40

11. Clauses (a), (b) and (c) of subsection 14 of section 11 of *The Liquor License Act* are repealed and the following substituted therefor: 45

(a) In case of any dispute as to whether the number of electors who have signed the certificate here-
 inbefore mentioned compose a majority of the
 5 include one-third of the resident electors, or,
 in case of a dispute as to whether any one or
 more persons who have signed the certificate or
 petition are duly qualified voters, or are resi-
 10 dents of the subdivision, the clerk of the muni-
 cipality in which the subdivision is situate,
 shall take evidence upon oath, or otherwise,
 and determine the question in dispute, and he
 shall in such case, report to the Board in writ-
 15 ing, signed by him, the number of duly quali-
 fied electors and of resident electors respec-
 tively for the subdivision and the number of
 duly qualified electors who have signed the cer-
 tificate or petition as the case may be, and the
 number of such last mentioned electors who
 20 are resident as aforesaid, and in case he has
 disallowed any of the names upon such certi-
 ficate he shall in such report state his reasons for
 such disallowance and unless appealed against
 as hereinafter mentioned, his report shall be
 25 final and conclusive. For such report the said
 clerk shall be entitled to a fee of \$5, payable
 out of the License Fund.

(b) The clerk shall give written notice of the time and
 place at which he will determine the said ques-
 30 tion to the applicant for the license, and to the
 person applying for such certificate, and to at
 least one of the persons signing any petition
 against the license, and the procedure to be
 35 adopted by the clerk in giving the said notice
 and determining the said question shall be in
 accordance with any general regulations made
 in that behalf by the Lieutenant-Governor in
 Council.

(c) From every such decision and report of the clerk
 40 an appeal shall lie to the judge of the County
 Court of the county in which the premises sought
 to be licensed are situate under and subject to
 such regulations as may be made by the Lie-
 tenant-Governor in Council in that behalf.

(d) In localities not under municipal organization, the
 45 said certificate shall be signed by at least eleven
 out of the twenty householders residing nearest
 to the premises in which the applicant proposes
 to carry on the business for which the license is
 50 required.

Clerk of
municipality
residing in
area of disputes.

As to
unorganised
districts.

Forms and
requisites of
certificate.

- (e) Such certificate shall be according to the form given in Schedule "A" hereto, or to the like effect, in respect of the fitness of the applicant to have such license, and the premises in which it is proposed to carry on the business, and the desirability, on the ground of public convenience of having a license granted therefor. 5

12. Subsection 3 of section 141 of *The Liquor License Act* enacted by section 24 of the Act passed in the sixth year of His Majesty's reign, Chaptered 47, is amended by 10 striking out the words "is presented to the council" in the 4th and 5th lines of the said subsection and inserting in lieu thereof the words "is filed with the clerk of the municipality."

No. 222.

3rd Session, 11th Legislature,
7 Edward VII., 1907.

BILL.

An Act to amend the Liquor License
Laws.

First Reading, 9th April, 1907.
Second Reading, 9th April, 1907.

Mr. HANNA.

TORONTO:

PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

BILL.

An Act to amend and consolidate the law respecting The Temiskaming and Northern Ontario Railway.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as *The Temiskaming and Northern Ontario Railway Act*.

2. The Lieutenant-Governor in Council may from time to time appoint not less than three, nor more than five persons who shall constitute a Board of Commissioners who shall subject to any direction of the Lieutenant-Governor in Council have charge of the construction and operation of the railway to be constructed and operated under the provisions of this Act; and the said Board of Commissioners shall be a body corporate under the name of "The Temiskaming and Northern Ontario Railway Commission," hereinafter referred to as the Commission, and a majority of the persons so appointed shall form a quorum for the transaction of any business of the Commission, and the Commissioners shall hold the respective offices as members of the Commission during the pleasure of the Lieutenant-Governor in Council, and the Lieutenant-Governor in Council may, upon the death, resignation or removal from office of any such persons respectively, and from time to time thereafter appoint other persons to fill their places during pleasure as aforesaid, and the Lieutenant-Governor in Council may from time to time designate one of the Commissioners to be chairman of the Board.

3. Each of the commissioners shall receive his actual disbursements in discharging his duties in addition to which the chairman shall receive an honorarium at the rate of \$3,500 per annum, and each of the other commissioners an honorarium at the rate of \$1,000 per annum.

4. The Commission shall subject to the approval and to any direction of the Lieutenant-Governor in Council have authority to construct and operate a continuous line of railway of the gauge of four feet eight and one-half inches extending from a point at or near Lake Nipissing to a junction with the National Trans-continental Railway, together with such spurs or branches as may be necessary not exceeding 20 miles in length in any one place together with electric telegraph and telephone line or lines, through and along the whole line of said railway, and its branches and such works as may be necessary for the efficient and convenient operation of said railway, and subject as aforesaid shall have authority to do all matters and things necessary to carry out the intentions and objects of this Act.

5. The location of the line of said railway, and of all branches, and the plans of all works proposed, and all tariffs or rates proposed to be charged for passengers and goods transported upon the said railway, and all by-laws of the corporation shall be subject to the approval of the Lieutenant-Governor in Council.

6. The Commission may subject to the approval and to any direction of the Lieutenant-Governor in Council enter into agreements with other railway companies to provide and secure such reciprocal running powers, traffic arrangements and other rights over and in respect of such railways, and the railway to be constructed under the provisions of this Act as will afford to such other railways, and to the railway to be constructed under the provisions of this Act reasonable and proper facilities for mutually exercising such running powers, fair and reasonable traffic arrangements with other railways and equitable mileage rates between said railway and all other railways but any lease by the Commission of the railway to be constructed under the provisions of this Act shall be subject to ratification by the Legislature of Ontario, provided that no such ratification shall be necessary of any lease made with the approval of the Lieutenant-Governor in Council of any spur or branch not exceeding 10 miles in any one place.

7. The Commission may with the approval of the Lieutenant-Governor in Council operate the said railway or any section thereof by electricity or by any other motive power.

8. The Commission may purchase land for and erect power houses, warehouses, elevators, docks, stations, workshops and offices, and sell and convey such land as may be found superfluous for any such purpose, and the Commission shall have power to hold and operate as part of the property of the Commission as many steam or other vessels as the Commission may deem requisite from time to time to

facilitate the carriage of passengers, freight, and other traffic in connection with the railway.

9. The Commission may erect and maintain all necessary and convenient buildings, stations, depots, wharves, and
5 fixtures, and from time to time may alter, repair or enlarge the same and may purchase and acquire motors, engines, carriages, wagons and other machinery, and contrivances necessary for the working of the railway, and the accommodation, and use of the passengers, freight and business of the railway.

10. The Commission may construct, maintain and operate works for the production of electricity, or other motive power for the said railway, and for lighting and heating the rolling stock and other property of the railway, and
15 may from time to time sell or lease any such electricity or other motive power not required for the purposes aforesaid to any person or corporation, and may acquire and hold any property necessary for such purposes.

11. The Commission may acquire the right to convey and
20 transmit electric or other power required for the working of the railway, and lighting or heating the same over, through or under lands other than the lands of the Commission, and may purchase or otherwise acquire the right to lay conduits under, or erect poles or wires on or over such lands as may
25 be determined by the commission, and along and upon any of the public highways or across any of the waters in this Province by the erection of the necessary fixtures, including posts, piers or abutments for sustaining the cords or wires for such lines, or the conduits for such electricity or
30 other power upon and subject to such agreement in respect thereto as shall first be made between the Commission and any private owners of the lands affected.

12. The Lieutenant-Governor in Council may by Order in Council transfer to the Commission so much of any of
35 the ungranted lands of Ontario as is shewn by the report of the engineer appointed under the provisions of this Act to be required for the said railway, or for convenient and necessary right of way, sidings, yards, stations, or for the supply for the purposes of the railway of stone, gravel,
40 earth, sand, or water or for other purposes for use in connection with the said railway and works, and registration of a certified copy of any such Order in Council, in the registry office or office of land titles, as the case may be for the registry district in which the lands are situate shall be
45 deemed to vest, and shall vest in the said Commission as trustee for the Province, the lands described in such Order in Council.

13. The order of the Lieutenant-Governor in Council of the 24th day of January, 1906, vesting in the Commission certain lands, and lands covered with water in the District of Nipissing, and therein described by metes and bounds is confirmed, and it is declared that the said order was intended to vest, and did vest in the said Commission as and from the passing of the Act of the Legislature, passed in the 2nd year of His Majesty's reign, Chaptered 9, the fee simple in the said lands, and all mining rights therein and thereto absolutely freed from all claims and demands of every nature whatsoever in respect of or arising from any lease or patent of any mining lands or mining location at any time granted. 5

14. The Commission may from time to time subject to the approval of the Lieutenant-Governor in Council appoint an engineer, and an accountant for the said railway and works, and such other officers and employees as may be necessary for the proper conduct of the business of the Commission, and subject as aforesaid may prescribe their duties and fix their remuneration. 20

15. Any person entrusted by the Commission with the custody or control of moneys by virtue of his employment shall give security in the manner and form provided by the Act respecting public officers.

16. The Commission shall have in respect of the said railway and works, in addition to all the powers, rights, remedies and immunities conferred by this Act, all the powers rights, remedies and immunities conferred upon any railway company by *The Railway Act of Ontario, 1906*, or by any general Railway Act of the Province of Ontario, for the time being in force, but save as aforesaid *The Railway Act of Ontario, 1906*, or any other general Railway Act as aforesaid shall not apply to the said railway, or be binding upon the Commission. 25 30

17. The said railway shall as far as practicable be constructed, equipped and operated with railway supplies and rolling stock made, purchased, or procured in Canada, provided such railway supplies and rolling stock can be obtained as cheaply, and upon as good terms in Canada as elsewhere, having regard to quality and price. 40

18. No person shall be employed in the construction of the said railway and works in contravention of *The Alien Labour Act*, or the provisions of any general Railway Act of Ontario, respecting the employment of alien labour.

19. The workmen, labourers and servants employed in or about the construction and operation of the said railway 45

and works shall be paid such rates of wages as may be concurrently payable to workmen, labourers and servants engaged in similar occupations in the districts in which such railway and works are constructed and operated.

5 20. The Lieutenant-Governor may from time to time by Order in Council transfer to the commission for town sites, portions of the ungranted lands of Ontario, along the line of railway adjacent to stations or proposed stations, and the registration of a certified copy of any such Order in Council in the registry office, or office of land titles as the case may be for the registry districts in which the lands are situate shall be deemed to vest, and shall vest in the Commission as trustee for the Province, the lands described in any such Order in Council, and the Commission may for the same purpose from time to time acquire other lands so situate by the same means as it is authorized to acquire land for right of way and station ground, and shall have all the rights and powers with reference to the acquisition thereof by expropriation or otherwise as it has with reference to the acquisition of lands for right of way, which lands acquired for town sites, shall not, however, exceed 1,000 acres for any one site, and the Commission may from time to time lay out, sell, lease, or otherwise dispose of any part of the said lands as it may think proper, and may take mortgages or other securities for any unpaid purchase money.

21. The Commission shall be deemed to have authority with the approval of the Lieutenant-Governor in Council, from time to time to sell, lease, or otherwise deal with mines, minerals and mining rights, upon or under any portion or portions of the right of way, or of the town sites vested, or to be vested in the Commission.

22. A separate account to be called "The Temiskaming and Northern Ontario Railway Account," shall be kept in the Treasury Department of the Province of Ontario, of all receipts and expenditures on account of the construction of the said railway, and of the interest paid during such construction.

23. The laying out whether by plan or otherwise, or the dedication in any manner of any lands within any such town site as or for public streets or highways shall not be deemed to revert in the Crown, or to vest in the municipality in which such town site is situate any mines, minerals or mining rights theretofore granted by the Crown to the commission, or to any other person, firm or corporation on or under any such lands so laid out or dedicated, but the Commission or such other grantees of the mines, minerals and mining rights on or under the lands so laid out or dedicated shall have the right from time to time to carry on

mining operations on or under such lands or to sell, lease or otherwise deal with the mines, minerals and mining rights on or under such lands subject however to the obligation of all parties actually conducting mining operations on or under any such lands whether as owners, lessees, or otherwise to conduct such mining operations in such way as shall not interfere with public travel upon such streets and highways. 5

24. No such mining operations shall at any time be begun or carried on upon or under any lands so laid out or dedicated as public streets or highways until after the person or persons, firm or corporation whether as owners, lessees or otherwise proposing to carry on such mining operations shall have submitted to the council of the municipality in which said streets or highways are situate, proper plans of such proposed mining operations with all necessary specifications and details, nor until after such plans shall have been approved in writing by the engineer of such municipality, or an engineer appointed by the municipality for that purpose, and may thereafter be carried on in strict conformity to such plans and not otherwise. 10 15 20

25. The proceeds of the loan of \$7,000,000 authorized by the Act passed in the 5th year of the reign of His Majesty King Edward VII. intituled, *An Act for raising money on the credit of the Consolidated Revenue Fund of Ontario*, and the proceeds of the loan of \$3,000,000 authorized by the Act passed in the 6th year of His Majesty's reign intituled *An Act for raising money on the credit of The Consolidated Revenue Fund of Ontario*, shall be placed to the credit of the said account, and the Lieutenant-Governor in Council may advance to the credit of the said account out of the Consolidated Revenue Fund of the Province of Ontario, such moneys as may be required for the construction of the said railway on such terms as may be decided on by the Lieutenant-Governor in Council. 25 30 35

26. All expenditures on account of construction, including interest paid on capital account during construction, and the cost of redeeming treasury bills or other securities heretofore issued for the purpose of raising money for construction purposes shall be charged against the said account. 40

27. The Lieutenant-Governor in Council may by Order in Council direct that such portions of the sums hereinbefore appropriated to the construction of the said railway as may be required from time to time by the Commission for construction purposes on monthly or other estimates may be placed to the credit of the said Commission in the said account. 45

28. The income of the Commission from the said railway, and all moneys received by it in respect of any sale, lease or other disposal of lands in said town sites, and all moneys received by it in respect of the sale or lease of any mines, 5 minerals or mining rights, including all rents, renders and royalties shall be applied as follows: to the necessary operating expenses of said railway, and of all works necessary to the preservation, improvement and maintenance of the said railway, and to the protection of the rights of the 10 Commission in said town sites, and mines, minerals and mining rights, and to the payment of the remuneration and expenses of the Commission, and the salaries of officers and others employed by the Commission, and other incidental expenses and the surplus from time to time then remaining 15 shall be paid over by the Commission to the Treasurer of Ontario at such times, and in such manner as the Lieutenant-Governor in Council shall direct, and the same shall thereupon form part of the Consolidated Revenue Fund of the Province.

20 29. The Commission shall cause books to be provided and kept, and true and regular accounts to be entered therein of all sums of money received and paid, and of the several purposes for which the same were received and paid, which books shall at all times be open to the inspection of any 25 member of the Commission and of the Treasurer of Ontario, and of any person appointed by the Commission or Treasurer for that purpose, and of any other person appointed by the Lieutenant-Governor and any member of the Commission, and any of the persons aforesaid may take copies of or 30 extracts from said books.

30. Sections 24 to 27 of the Act to provide for the better auditing of the accounts of the Province shall apply thereto to the accounts of the Commission in respect of receipts and expenditures.

35 31. The Commission shall make an annual report for the information of the Legislature setting forth the receipts and expenditures of the year, and such other matters as may appear to them to be of public interest in relation to the said railway or works, or as the Lieutenant-Governor in 40 Council may direct.

32. No member of the Commission, nor any officer or employee thereof shall make or enter into any contract with the Commission, nor be pecuniarily interested directly or indirectly in any contract or work in regard to which any 45 portion of the moneys under the control of the Commission is being or is to be expended.

33. Section 3 of this Act shall be deemed to come into force as from the first day of November, 1906.

34. No action shall be brought against the Commission or against any member thereof for anything done or omitted in the exercise of this office without the consent of the Attorney-General of Ontario.

35. The Acts mentioned in the schedule to this Act are 5 hereby repealed.

No. 223.

3rd Session, 11th Legislature,
7 Edward VII., 1907.

BILL.

An Act to amend and consolidate the
law respecting The Temiskaming and
Northern Ontario Railway.

First Reading, 9th April, 1907.

MR. REAUME.

TORONTO:

PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

An Act to amend and consolidate the Manhood
Suffrage Registration Act.

SHORT TITLE, s. 1.
WHO MAY BE REGISTERED, ss. 2-3.
HOW BOARDS OF REGISTRARS CON-
STITUTED, ss. 4-7.
MUNICIPALITIES TO PROVIDE AC-
COMMODATION, s. 8.
DIVISION INTO REGISTRATION DIS-
TRICTS, ss. 9-11.
PROCEEDINGS WHEN A GENERAL OR
BY-ELECTION IS TO BE HELD,
s. 12.
APPOINTMENT OF REGISTRY CLERKS,
s. 13.
SITTINGS OF REGISTRARS, ss. 14-16
BOOKS TO BE PROVIDED BY CHAIR-
MAN, s. 17.
PROCEDURE FOR REGISTRATION, s.
18.
PERSONS UNABLE TO ATTEND, s. 19.
APPEALS, s. 20.
REGISTRARS, TO BE CONSERVATORS
OF PEACE, s. 23.
CONSTABLES TO ATTEND SITTINGS,
s. 24.

PERSONS ENTITLED TO BE PRESENT,
ss. 25, 26.
WHERE REGISTRAR OR CLERK FAILS
TO ATTEND, s. 27.
RIOTS AND EMERGENCIES PROVID-
ED FOR, ss. 27, 29.
LISTS TO BE DELIVERED TO CLERK
OF PEACE, s. 30.
REGISTRATION FOR BY-ELECTION,
WHEN NECESSARY, ss. 31, 32.
LIST TO BE CONCLUSIVE, s. 33.
COPIES TO BE FURNISHED, s. 34.
BOOKS AND FORMS TO BE SUPPLI-
ED BY CLERK OF CROWN IN
CHANCERY, s. 35.
TIMES LIMITED TO BE DIRECTORY,
s. 36.
OFFENCES AND PENALTIES, ss. 37,
42.
COMPENSATION OF OFFICERS, s. 43.
COPIES OF CERTAIN ACTS TO BE SUP-
44.
REPEALING CLAUSE, s. 45.

HIS MAJESTY, by and with the advice and consent of
the Legislative Assembly of the Province of Ontario,
enacts as follows:—

1. This Act may be cited as "*The Manhood Suffrage* Short title and
Registration Act" and shall apply to every city in Ontario. Application
of Act.

WHO MAY BE REGISTERED.

2.—(1) Every male person of the full age of 21 years, a Persons
subject of His Majesty by birth or naturalization, and not entitled to be
disqualified under *The Ontario Election Act*, and not other- registered.
Rev. Stat. c. 6

wise by law prohibited from voting, shall be entitled to be entered on the list of manhood suffrage voters for the polling subdivision in which he resides,

Proviso.

Provided that such person has resided in Canada for the twelve months next preceding the day on which the first 5 sittings of the Registrars of manhood suffrage voters for the preparation of the lists as is hereinafter directed is held;

And provided that such person was in good faith, on the last mentioned day, and for the three calendar months next preceding the same, a resident of and domiciled in the 10 municipality on the list of which he is to be entered; and in the case of cities divided into two or more electoral districts, and in any city parts of which are situated in two or more electoral districts, was in good faith on the said day and for the next preceding thirty days a resident of 15 and domiciled within the territory comprising the electoral district on the list of which he is to be entered;

And provided also that such person's name is not entered on Part I. of the revised list of voters for the electoral district to be used at the election about to be held. R.S.O. 20 1897, c. 8, s. 4 (1); 61 V. c. 4, s. 1; 63 V. c. 17, s. 2 (1).

Militiamen
and students.

2. Members of a permanent militia corps enlisted for continuous service, and students in attendance at an institution of learning who are during such service or attendance residents of the city, who are not entitled to be, or could 25 not have been, and are not at the time of their application for registration, registered or entered upon any other list of persons entitled to vote at elections for the Legislative Assembly, shall be entitled to be registered as manhood suffrage voters in the city, if otherwise qualified under subsection 1 to vote therein.

Transfer of
voters from
Part I. of voters'
lists.

3. In case it is made to appear to the Registrar that any person whose name is on Part I. of the Voters' List has ceased to be entitled to vote under Part I., but is otherwise qualified, such person shall be entitled to be entered on the 35 Manhood Suffrage List, and his name shall be erased from Part I. by the Clerk of the Peace upon the certificate of the Registrar. The oath to be taken by such person on application for registration under this section shall be according to Form 9. R.S.O. 1897, c. 8, s. 6. 40

BOARD OF REGISTRARS.

Board of
registrars.

4.—(1) A Board shall be constituted in every city for preparing lists of persons entitled to be registered as manhood suffrage voters, and shall be called "The Board of Manhood Suffrage Registrars," and every member thereof 45 shall be deemed a Registrar within the meaning of this Act. R.S.O. 1897, c. 8, s. 7 (1).

(2) No person who as Registrar or registry clerk was engaged in the preparation of the Voters' Lists to be used at any election, shall be eligible as a candidate at such election. R.S.O. 1897, c. 8, s. 7 (2); 61 V. c. 4, s. 2 (2).

5 5.—(1) The Board shall consist of the officials herein-
after mentioned, who may from time to time appoint so
many other Registrars as shall be necessary to carry out
the provisions of this Act. The appointment shall be evi-
denced by a writing (Form 1) under the hand of the Chair-
10 man.

Constitution
of boards.

(2) In Toronto the members shall be eight in number,
namely, the three Judges of the County Court of the
County of York, the Master in Ordinary, the Master in
Chambers, the Master of Titles, the Police Magistrate of
15 Toronto, and the Inspector of Legal Offices.

Members of
board in
Toronto.

(3) In Fort William the members shall be three in num-
ber, namely, the Police Magistrate of Fort William, the
Clerk of the Municipality and the Clerk of the Division
Court.

Fort William.

20 (4) In Port Arthur the members shall be three in number,
namely, the Judge of the District Court of the District of
Thunder Bay, the Police Magistrate of Port Arthur, and
the Local Registrar of the High Court.

Port Arthur.

(5) In every other city the members of the Board shall
25 be the two Judges of the County Court of the County in
which the city is situate, the Police Magistrate of the
city, and the Local Master of the High Court. Where
either of the Judges is Local Master, the Clerk of the
County Court shall be the fourth member of the Board.
30 Where there is but one County Court Judge the members
shall be the Judge, the Police Magistrate for the city, the
Local Master, and the Clerk of the County Court, and
where the Judge is Local Master the Registrar of Deeds
for the city shall be a member, or if there is no such Regis-
35 trar, the Registrar of Deeds having his office in the city
or the Registrar of Deeds for the registry division in which
the city is situate shall be a member.

Members in
other cities.

(6) If there is a vacancy in the Board, or if a member is
absent from the Province, or is unable to act, the other
40 members of the Board shall appoint a fit and proper person
to fill the vacancy.

(7) The Board shall appoint a fit and proper person to be
its clerk.

6. A Registrar, before acting, shall take and subscribe
45 before a member of the Board, a commissioner for taking

Oath of
Registrar.

affidavits, or a Justice of the Peace, the oath (Form 2) in the schedule hereto. 61 V. c. 4, s. 3.

Appointment
of chairman.

7. The Lieutenant-Governor in Council may, at any time before or after the issue of a proclamation dissolving the Legislative Assembly, appoint a member of the Board 5 to be Chairman.

Municipality
to provide
necessary
accommoda-
tion.

8.—(1) The Municipal Corporation shall provide for the Registrars, and for the Board of Appeal, suitable and convenient places properly furnished, heated and lighted, for the holding of their sittings; and in case the same are not 10 provided in due time the Board shall provide the necessary accommodation, the expense whereof shall not exceed \$15 for each place, unless the Board on account of exceptional circumstances is unable to obtain suitable accommodation for that amount. The expense incurred by the Board 15 in providing such accommodation, and also for stationery and other requirements of the Board, shall be paid by the Treasurer of the Corporation upon the order of the Chairman of the Board.

Registration
not to take
place in
tavern.

(2) The building in which the registration takes place 20 shall not be a tavern or place of public entertainment, and there shall be free access for every person desiring to be registered.

Approval of
place of
registration
by board.

(3) The places provided by the Municipal Corporation for holding the sittings shall be subject to the approval 25 of the Board or of some member thereof authorized to approve of the same on behalf of the Board, and if not approved, the Board or such member may select satisfactory places. 61 V. c. 4, s. 5.

REGISTRATION DISTRICTS.

30

Two *ex-officio*
members to
act in each
district.

9. Where a city is divided into two or more electoral districts two of the members of the Board shall be assigned by the Board to each of the electoral districts. R.S.O. 1897, c. 8, s. 14.

Sub-division
of districts.

10. The Board shall divide each electoral district into 35 registration districts for the purpose of registration, grouping together for that purpose as compactly as they find convenient the polling subdivisions of each district, and shall assign a Registrar to each registration district, and shall fix the time and place for holding the sittings of the Board 40 of Appeal. R.S.O. 1897, c. 8, s. 15.

Who to act at
place of
registration.

11. At each place of registration a member of the Board or an appointed Registrar designated by the Board, shall attend for the purpose of registering voters. R.S.O. 1897, c. 8, s. 18.

45

PROCEEDINGS FOR REGISTRATION.

12.—(1) Immediately after the issue of a proclamation dissolving the Legislative Assembly, or in the case of a by-election, immediately after the issue of the writ of election, the Clerk of the Crown in Chancery shall notify the Chairman of the dissolution or of the issue of the writ; and whenever a new registration is required the Chairman shall call the Board together on receiving such notice, and the Board shall forthwith take the necessary proceedings for registration.

When board
to be called
together.

(2) In the case of a by-election the notice to the Chairman shall state whether or not a new registration is required. R.S.O. 1897, c. 8, s. 20.

13. (1) Every Registrar shall appoint (Form 3) a clerk, hereinafter referred to as the "Registry Clerk," to assist him in preparing the lists of the persons entitled to vote in the subdivisions of the district for which such Registrar has been appointed.

Registry
clerk.

(2) Every Registry Clerk shall, before acting, take and subscribe, before a Registrar, a commissioner for taking affidavits, or a Justice of the Peace the oath (Form 4) in the schedule hereto. R.S.O. 1897, c. 8, s. 21.

Sittings of Registrars.

14 Each Registrar shall hold four sittings for registration under this Act, the first of which shall be held on the seventh day after the date of the writ for holding the election (computing in such time any intervening Sunday). The same days shall be appointed for all the Registration Districts in an electoral district. R.S.O. 1897, c. 8, s. 22; 2 Edw. VII. c. 6, s. 1 (3);

Sittings of
registrars

(a) In cities where the population is 20,000 or less according to the last census of Canada or the last assessor's enumeration it shall be sufficient if the Registrars shall hold their sittings on three separate days instead of four, one of the days being Saturday. 62 V. (2), c. 11, s. 24; 2 Edw. VII. c. 6, s. 3.

Sittings of
registrars.

15.—(1) The sittings shall be held on consecutive days except Sunday, and shall continue from ten o'clock in the morning until nine o'clock in the evening, with intermissions from one o'clock to two o'clock and from six o'clock to half-past seven o'clock;

When to be
held.

(2) If the holding of the sittings on consecutive days will not allow of a sitting being held on a Saturday, the last sittings shall be held on a Saturday, and the second and third sittings on such days as the Board appoints;

(3) The time from half-past seven o'clock until half-past eight o'clock on each of the four days shall, as far as possible, be set apart for the registration of the votes of workmen. R.S.O. 1897, c. 8, s. 23.

Notice.

5

Notice of time and places of registration.

16. The Chairman of the Board shall give public notice of the times and places appointed for the registration sittings, and of the time and place for holding the meetings of the Board of Appeal, by posters headed in large letters, "Registration of Manhood Suffrage Voters." The posters shall give the outside limits of each group of polling subdivisions for which the respective registration sittings will be held, but need not give the limits of the subdivisions. At least five of such posters shall be put up in public and conspicuous places in each polling subdivision. R.S.O. 1897, c. 8, s. 25.

Books.

Index book to be kept by each registrar.

17. (1) For the purpose of preparing the lists the Chairman shall cause each Registrar to be furnished with an alphabetical index book for each polling subdivision in his district, the pages of which shall be according to Form 5 in the schedule hereto. Upon the first page thereof the limits comprising the polling subdivision for which the book is intended and the number of such polling subdivision, in accordance with the revised lists of voters, shall be stated, and such limits and number shall also be distinctly shown on the outside of the front cover. R.S.O. 1897, c. 8, s. 26 (1).

Book of oaths.

(2) The Chairman shall cause each Registrar to be furnished with a book demy size containing such number of forms of the oaths (Forms 7, 8 and 9) in the schedule hereto as may appear necessary. 61 V. c. 4, s. 7.

Bribery clause not to be inserted in oath unless asked for.

(3) Paragraph A of the said Forms shall not be inserted in the oath administered unless an agent for a candidate or political organization present under section 25 desires it to be inserted, or the Registrar deems its insertion expedient. 35

Marking clause where used or omitted.

(4) The Registrar shall sign above paragraph A where it is omitted in the oath as administered, and under paragraph A where it has been inserted as part of the oath administered. 2 Edw. VII. c. 6, s. 4 (2-3). 40

Mode of Registration.

Mode of registering names.

18.—(1) The Registrar, or registry clerk under his direction, shall register in the several polling subdivision books,

the names and residences, as stated in their oaths respectively, of all persons applying to be registered, who take either of the oaths hereinbefore mentioned, unless it clearly appears to the Registrar from the answers of an applicant to the questions put to him and from any evidence then produced that he is not entitled to be registered as a voter. Each person entitled to be registered shall be registered in the book for the polling subdivision in which he resides, and no other.

10 (2) The Registrar, or registry clerk under his direction, shall before administering the oath to any applicant for registration, fill up from the statements of the applicant the blanks for the name and other particulars required to be entered in the list of voters, and shall also fill up such
15 other blanks as are necessary to be filled, in order to make the oath complete. He shall then administer the oath to the applicant and shall subscribe the same.

(3) The Registrar, or registry clerk under his direction, may administer the oath to any number of persons not exceeding four at the same time, unless objection is taken by any agent present, in which case the applicant's shall be sworn separately.

(4) The names shall be classed alphabetically in accordance with the surnames of the applicants.

25 (5) If an applicant refuses to take the oath, or refuses, or is unable to give the information requisite to enable the Registrar to fill up the particulars in respect of the applicant and of his residence which by this section or by the notes at the foot of the form of oath are required to be
30 inserted therein, the applicant shall not be registered either at that or any subsequent sitting. If such refusal or the discovery of the applicant's inability as aforesaid takes place after his name has been written in a form of oath, the Registrar or registry clerk under his direction
35 shall write at the foot of form "Refused to swear," or "unable to give particulars," as the case may be.

(6) A list of all persons who refuse to take the oath, or refuse or are unable to give the information required as aforesaid, shall be kept by the Registrar and delivered to
40 the Clerk of the Peace with the list of persons registered.

(7) At the end of each day, or at intervals available during the day, the Registrar and registry clerk, in the presence of those entitled to be present, shall compare the entries in the book of oaths with the entries in the polling
45 subdivision books, in order to see that no name has by mistake been entered in the wrong polling subdivision book, and may correct any mistake then discovered therein, and in case, to correct such mistake, any name has to be transferred from one book to another the entry so transferred

shall be distinctly struck out with pen and ink, but left legible; and a note shall be made immediately adjacent that the name was entered by mistake, and has been transferred to another subdivision book, and the numbers of such subdivisions shall be stated. The Registrar and registry clerk shall affix their initials to the note. R.S.O. 1897, c. 8, s. 27 (1-7). 5

Note to be made of entries at each sitting

(8) After the comparison is complete, and any necessary corrections made, there shall be written or stamped on the line immediately under the last name which has been entered under the letter A, the words, "End of first sitting," and this shall be repeated at each letter under which names have been entered. If there is an index letter under which no name has been entered during the sitting, the like words shall be written or stamped on the first line of the first page of every such letter. Similar entries, naming the proper sittings, shall be made at the close of each sittings, and the Registrar shall certify at the end of each book as required by section 30. R.S.O. 1897, c. 8, s. 27 (8); 2 Edw. VII. c. 6, s. 1 (4). 10 15 20

Interference with books prohibited.

(9) No person except the Registrar or the registry clerk shall write upon or in any way meddle with the books, and the Registrar shall keep the same in his custody until he delivers them to the Clerk of the Peace.

Entry to be made by registrar of oaths taken.

(10) At the close of each sittings the Registrar shall make and sign a memorandum immediately under the last oath administered stating that the preceding oaths signed by him were taken before him on that day, and giving the day of the month and year when the same were taken. R.S.O. 1897, c. 8, s. 27 (9-10). 25 30

Persons unable to attend sittings.

19.—(1) Where a claim is made that a person who is otherwise entitled to be registered, hereinafter referred to as an "absentee" is unable to attend the sittings held for registration, or any of them,

On account of sickness.

(a) by reason of sickness or other physical disability, or 35

Temporary absence.

(b) by reason of such person being temporarily absent from the city and from the county in which the city is situate in the necessary pursuit of his business or calling or in attendance as a student at an institution of learning in Canada; provided such person, if not a lumberman, mariner, fisherman, commercial traveller, or in the service of a railway, or as such student has not been absent more than thirty days prior to the first day of the sittings held for registration, and provided that it is probable such person will not return during any of the days appointed for such sittings; 40 45

then in case any of the persons hereinafter mentioned apply to the proper Registrar for the registration of the absentee the Registrar, unless satisfied by evidence adduced as hereinafter provided that the absentee is not entitled to be registered, shall register such absentee, provided the applicant delivers to the Registrar an affidavit made by the absentee hereinafter referred to as "The Affidavit of Qualification," stating such facts as he would have been required to depose to before being registered, had he applied in person, or in case the person applying makes and delivers to the Registrar an affidavit wherein the applicant deposes to such facts, and provided the applicant, in either case also delivers an affidavit, hereinafter referred to as "The second affidavit," wherein the applicant deposes to the facts other than those set out in the affidavit of qualification, which authorize the registration of the absentee without his personal appearance. The statements in the second affidavit shall be positive, as if on information and belief the source of the deponent's information shall be clearly stated, and the Registrar shall decide as to the sufficiency of the affidavit.

Proviso.
Registration
on filing
affidavit.

(2) The Registrar may require any applicant to give evidence before him on oath, and may also hear any other evidence on oath which may be adduced either for or against the application, and unless the Registrar is satisfied that the absentee is entitled to be registered he shall refuse registration.

Further
evidence
required.

(3) Any of the following persons may apply for the registration of an absentee: An adult member of his family, his employer or business partner, a person with whom he resides in a city, or a person authorized by him in writing.

Who may
apply for
absentee.

(4) The applicant's affidavit shall set forth the facts entitling him to apply for the registration of the absentee, and where the applicant's right to apply depends upon his being authorized in writing, the authority shall be annexed to the affidavit and the signature thereto verified by a statement in the applicant's affidavit to the effect that he knows or believes the signature to be in the handwriting of the absentee. The affidavit shall also state the Christian name and surname and the occupation of the applicant, and his place of residence, with the same particularity as is required in the oath of qualification.

Authority of
applicant.

(5) Where the applicant appears to be illiterate, the Registrar before acting upon the affidavit shall be satisfied that the deponent understands the same and may in any case require the applicant to re-swear before him an affidavit purporting to be made by such applicant.

Illiterate
applicant.

Entry made
in book.

(6) Opposite the name of each person registered without his being personally present, the Registrar shall, in the polling subdivision book, write or cause to be written the word "Absentee."

Renewal of
application.

(7) In case an application made to register any person as an absentee is refused, no other application to register him as an absentee shall be entertained, unless the Registrar is satisfied that the refused application was made in order to deprive the absentee of his right to registration, or unless leave to renew the application was reserved. 10

Hours for
application.

(8) An application to register an absentee shall not be received at any sittings after six o'clock in the afternoon.

List of refused
applications.

(9) The Registrar shall keep a list of all refused applications to register absentees and shall deliver the same and the affidavits in connection therewith to the Clerk of the Peace when he delivers to him the list of persons registered. 15

APPEALS.

Board of
Appeal.

20.—(1) There shall be a Board of Appeal which shall consist of the members of the Board of Manhood Suffrage Registration unless the same is composed of more than three members, in which case the Board shall appoint two of its members to constitute, with the Chairman, the Board of Appeal. . 20

Chairman.

(2) The Chairman of the Board of Manhood Suffrage Registration shall be Chairman of the Board of Appeal. 25

Clerk.

(3) The Board may appoint the clerk of the Board of Manhood Suffrage Registration or one of the registry clerks to be Clerk of the Board.

Notice of
appeal.

(4) The applicant may, upon giving notice in writing within twenty-four hours thereafter to the Registrar of his intention so to do, appeal to the Board of Appeal, which shall have authority to hear and determine all cases so brought before it upon *viva voce* evidence to be taken upon oath, which may be administered by any member of the Board. 30 35

Decision of
Board.

(5) The decision of the Board of Appeal shall be given at least three days before the day fixed for holding the poll and shall be final.

Certificate
allowing
appeal.

(6) If the Board decides that an appellant is entitled to vote a certificate to that effect shall be given to him. The certificate shall state the polling subdivision in which the appellant is entitled to vote, and, upon production of the certificate, the appellant shall have the same right to vote as if his name had been entered on the voters' list. 40 45

(7) An appeal shall also lie in like manner and on the like notice, and upon a further notice to the person registered, from the decision of a Registrar registering the name of any applicant. The decision shall be given within the time limited by subsection 1; and a certificate of the decision shall be given by the Chairman of the Board to the Returning Officer of the Electoral District and shall be by him delivered to the deputy-returning officer of the polling subdivision named in the certificate, and the deputy-returning officer shall not thereafter receive the vote of such person. R.S.O. 1897, c. 8, s. 28 (1-5).

(8) The notice to the person registered, provided for by the next preceding subsection, shall be served within twenty-four hours after the decision appealed from, and may be served personally or by leaving a copy at the place of residence of the person registered set out in his oath.

21.—(1) Any person may obtain from any member of the Board of Appeal or from any member of the Board of Manhood Suffrage Registration an order (Form 6) requiring the attendance before the Board of Appeal, at the time mentioned in the order, of a witness residing, or served with the order in any part of Ontario; and requiring the witness to bring with him and produce at the hearing of the appeal any papers or documents mentioned in the order, and every witness served with the order shall obey the same, provided his expenses, according to the scale allowed in Division Courts, are paid or tendered to him at the time of service. R.S.O. 1897, c. 8, s. 29 (1); 61 V. c. 4, s. 9.

(2) Any person appealing, or any person in respect of the registration or omission of whose name a notice of appeal is given, shall, if resident within the city, upon being served therein, obey the order without being tendered or paid his expenses; and the order shall be sufficiently served upon any such person

- (a) if the order is served upon him personally; or
- (b) where he has a known residence or place of business within the city, if a copy of the order is left for him with some grown person at such residence or place of business; or
- (c) where he has no known residence or place of business within the city, if a copy of the order is mailed to him through the post office, prepaid, directed to him at the address contained in any affirmation or affidavit made by him under this Act.

(3) If a person, whose right to be a voter is the subject of enquiry, does not attend in obedience to the order, the

Persons may be struck off for non-attendance, etc.

Board, in the absence of satisfactory evidence as to the reason for his non-attendance, or as to his right to be a voter may on the ground of his non-attendance, strike his name off the list of voters, or refuse to enter his name thereon, or may impose on him a fine not exceeding \$20. 5 or may do both.

(4) The names of any number or witnesses may be inserted in one order. R.S.O. 1897, c. 8, s. 29 (2-4).

List of Certificates for Clerk of Peace.

22.—(1) The Board shall deliver to the Clerk of the Peace a list of the persons to whom the Board has given 10 certificates under the provisions of subsection 6 of section 20, with their occupations and residences and the subdivisions in which they may vote, and the names shall be entered on a supplementary list with the words "on appeal" written thereafter. 15

Copy for Returning Officer.

(2) The Clerk of the Peace shall forthwith furnish a copy of such list to the Returning Officer, who shall forthwith cause the proper deputy-returning officers to enter the names of the persons mentioned therein on the lists of their respective polling subdivisions, with the words "on 20 appeal" written thereafter.

List of names struck off on appeal.

(3) The Board shall also deliver to the Clerk of the Peace a list of the persons whose names have been struck off the voters' list, with their occupations and residences, and the subdivisions for which they were respectively 25 registered.

Copy for Returning Officer.

(4) The Clerk of the Peace shall forthwith furnish a copy of such list to the Returning Officer, who shall forthwith cause the proper deputy-returning officers to erase such names from the lists. The words "on appeal" shall 30 be written after every such erasure. R.S.O. 1897, c. 8, s. 30 (2); 2 Edw. VII, c. 6, s. 1 (5).

Lists to be certified.

(5) The lists shall be certified by the Chairman of the Board according to Forms 10 and 11 in the schedule hereto. 61 V. c. 4, s. 10. 35

PRESERVATION OF THE PEACE.

Preservation of the peace.

26. Every Registrar shall, during the days on which the sittings are held, be a conservator of the peace and invested with the same powers with which Justices of the Peace are invested in Ontario, and may appoint as many 40 special constables as he deems necessary for the purpose of carrying out the provisions of this Act, or for the removal from the place of registration, or for the arrest or detention of persons who are charged with personation, or who are or have been impeding or improperly interrupt- 45

Special constables.

ing his proceedings, or creating a disturbance. The Registrar may verbally direct the forcible removal of any such person from the place of registration. The special constables shall have power to act without taking any oath and shall be paid by the city. Every registry clerk shall have the authority of a constable for the purposes aforesaid. R.S.O. 1897, c. 8, s. 31; 2 Edw. VII, c. 6, s. 1 (6).

24. The Chief of Police of the city shall cause a constable to be in attendance at each place of registration during the time the same is kept open and so long as the Registrar remains there. R.S.O. 1897, c. 8, s. 32. Constables to attend.

WHO ENTITLED TO BE PRESENT AT SITTINGS.

25.—(1) Any person whom the Board deems to be in good faith a candidate to represent the electoral district, may appoint in writing two electors as agents to represent him at any registration sitting. In the absence of any person authorized in writing to act as agent for an absent candidate, any elector in the interest of such candidate may declare himself to be and may act as agent of such candidate, without producing any special authority in writing for that purpose. Agents for candidates.

(2) Any political organization not represented by a candidate or his agents, may also appoint in writing, duly authenticated to the satisfaction of the Registrar, two electors as agents to represent such organization at any registration sitting. R.S.O. 1897, c. 8, s. 33. Agents of political organizations.

26. Subject to such directions as the Registrar may from time to time give to prevent the proceedings being delayed or interfered with, any elector shall be entitled to be present as a spectator at a registration sitting, provided that no more than twelve persons other than the officers, candidates and agents shall be entitled to be present at the same time, and no person shall ask any question of an applicant for registration unless such person is a candidate or the agent of a candidate, and no candidate or agent shall ask any such question except through the Registrar, or by his permission. The Registrar in giving directions shall allow a fair proportion of all political parties to remain in the place of registration. R.S.O. 1897, c. 8, s. 34. Presence of electors at registration.

40

EMERGENCIES PROVIDED FOR.

27.—(1) If a Registrar refuses, neglects, or becomes unable to perform the duties of his office, and if no other Registrar appears at the place of registration the registry clerk shall act as Registrar and perform all the duties and be subject to all the obligations of that office as if it he had Refusal or neglect of registrar to act.

been appointed Registrar and without taking a new oath for that purpose.

(2) Where a registry clerk acts as Registrar under this section he shall in writing appoint (Form 3) another person to act as registry clerk, and the person so appointed shall before acting take and subscribe before the person appointing him the oath (Form 4) in the schedule. 5

Registry clerk refusing or neglecting to act.

(3) Where a registry clerk refuses, neglects or becomes unable to perform his duties, the Registrar may in writing appoint another person to act as registry clerk; and the person so appointed shall before acting take and subscribe before the Registrar the oath (Form 4). R.S.O. 1897, c. 8, s. 35.

Failure to commence at appointed time.— interruptions to sittings.

28. In case by reason of riot or emergency a Registration sitting is not commenced on the proper day, or at the proper hour, or is interrupted after being commenced and before the lawful closing thereof, the Registrar shall hold or resume the registration on the following day at the hour of nine o'clock in the forenoon, and continue the same from day to day, if necessary, until the place of registration has been opened without interruption and with free access to persons desiring to be registered, for forty-four hours in all, but the registration shall be completed at least three days before the polling day. R.S.O. 1897, c. 8, s. 36; 2 Edw. VII. c. 6, s. 1 (7). 25

When place appointed cannot be used.

29. When for any reason it becomes impossible to use the place appointed for the registration of voters, another place shall be procured by the Registrar, and such notice of the change as is practicable shall be given. R.S.O. 1897, c. 8, s. 37. 30

DELIVERY OF LISTS TO CLERK OF THE PEACE.

Delivery of lists to clerk of the peace.

30.—(1) The day after the last of the sittings, the Registrar shall deliver to the Clerk of the Peace the books containing the lists, having first appended to each his certificate to the effect that the list is a true and correct list of all persons who appeared before him at the sittings for the registration of persons entitled to vote under this Act and took the oath necessary to entitle them to have their names placed thereon, and he shall in the certificate state the dates of the sittings. He shall at the same time deliver to the Clerk of the Peace the book containing the oaths of the persons registered. 35 40

(2) The delivery of the lists to the Clerk of the Peace shall not be delayed by reason of appeals from the decision of any Registrar. R.S.O. 1897, c. 8, s. 38. 45

Duties of clerk of the peace as to books.

(3) It shall be the duty of the Clerk of the Peace to see that the books are duly returned to him.

(4) The Clerk of the Peace shall retain the books in his office until they are superseded by another registration, when they may be destroyed, unless the Attorney-General of Ontario or a Court shall direct their preservation for a further period. R.S.O. 1897, c. 8, s. 39.

BY-ELECTIONS.

31. (1) In case of a by-election, the writ for which bears date more than one year subsequent to the polling day of a previous election for which registration sittings were held for the electoral district, the proceedings for registration hereinbefore directed in the case of a general election shall be taken unless the Clerk of the Crown in Chancery shall, on the issue of the writ, give notice in writing to the Chairman of the Board that a new registration is not required. Special election more than one year after last registration.

(2) The Clerk of the Crown in Chancery shall give such notice in case the _____ and the Leader of the Opposition in the Legislative Assembly certify to the Clerk in writing that in their opinion a new registration is unnecessary. R.S.O. 1897, c. 8, s. 40.

32. In case of a by-election, the writ for which bears date not more than a year subsequent to the polling day of the next preceding election for which registration was made, no new registration shall be had unless the Clerk of the Crown in Chancery shall give notice in writing to the Chairman that a new registration is desired, which he shall do upon the written request of the _____ or of the Leader of the Opposition. R.S.O. 1897, c. 8, s. 41. When special election held less than one year after registration.

30 LIST TO BE CONCLUSIVE.

33. A list prepared under this Act shall be final and conclusive as to the manhood suffrage voters in the same manner and to the same extent as the Voters' List certified by a County Court Judge. R.S.O. 1897, c. 8, s. 42. Voters lists conclusive.

35 COPIES TO BE FURNISHED.

34. The Clerk of the Peace shall furnish certified copies of the names and other particulars in any of the subdivision books, to any person who may require the same, upon payment of the like fees as are prescribed for similar services by section 28 of *The Ontario Voters' Lists Act*. R.S.O. 1897, c. 8, s. 43. Clerk of the peace to furnish copies. Rev. stat. c. 7

BOOKS AND FORMS.

Printing and
distributing
books among
registrars. -

35.—(1) The Clerk of the Crown in Chancery shall cause the books and forms mentioned in this section to be prepared and printed, and he may either distribute the same to the Clerk of the Peace for the use of the Registrars, or he may cause sample copies thereof to be prepared and delivered to the Clerk of the Peace.

Preparation of
forms and
books.

(2) When copies are delivered to him the Clerk of the Peace shall upon receipt thereof deliver to the Chairman of the Board a sufficient number of them for the use of the Registrars, and, when sample copies, he shall immediately obtain or cause to be printed a sufficient number of copies for the use of the Registrars, and shall deliver the same to the Chairman of the Board. 61 V. c. 4, s. 11.

(3) The Clerk of the Peace shall provide such forms as are not furnished by the Clerk of the Crown in Chancery.

(4) The books and forms referred to in this section are the following:—

Oaths of Registrars.

Appointments of Registrars by the Board.

20

Appointments and oaths of registry clerks.

Books containing forms of oaths to be taken by applicants for registration.

Alphabetical index books for the registration of voters.

Books for lists of persons refusing to take the oath or unable to give the particulars required. R.S.O. 1897, c. 8, s. 44 (1); 61 V. c. 4, s. 12.

Fees of clerk
of the peace.

(3) For his services under this section in respect of each election the Clerk of the Peace shall be paid by the city the sum of \$10 and his disbursements. R.S.O. 1897, c. 8, s. 44 (2).

MISTAKE OR MISCARRIAGE.

Times men-
tioned in this
Act directory.

36. The times limited by this Act shall be directory only, and any mistake or miscarriage in respect thereof shall not invalidate an election, unless the mistake or miscarriage is of such a nature that in the opinion of the Election Court it may have affected the result of the election, but this shall not prevent the election from being avoided where the mistake or miscarriage was brought about in whole or in part by the improper conduct of a candidate or his agent. R.S.O. 1897, c. 8, s. 45; 61 V. c. 4, s. 13.

OFFENCES AND PENALTIES.

Corrupt
practices.

37.—(1) The following persons shall be deemed guilty of an offence and shall be punishable accordingly:—

- (a) Every person who, before or during the registry sittings, directly or indirectly, by himself or by any other person on his behalf, receives, agrees or contracts for any money, gift, loan or valuable consideration, or office, place or employment, for himself or any other person, for being or for agreeing, or for refraining or agreeing to refrain from being registered as a voter; Bribery.
- 5
- (b) Every person who, after any such sittings, directly or indirectly, by himself or by any other person on his behalf, receives any money, gift, loan or valuable consideration, or accepts any office, place or employment on account of his or any other person having registered or refrained from being registered, or having induced some other person to register or to refrain from being registered at any such sittings;
- 10
- 15
- (c) Every person who, before or during the sittings, provides or furnishes drink or other entertainment at his own expense, or at the expense of any other person, to any meeting of persons assembled for promoting the registration of voters, or pays, or promises, or engages, to pay for such drink or other entertainment; except only that nothing herein contained shall extend to any drink or other entertainment furnished to any such meeting by or at the expense of any person at his usual place of residence when such residence is a private-house, unless where the drink or other entertainment is given or supplied for the purpose of procuring or inducing any person to be, or to agree to be, or to refrain from being or to agree to refrain from being registered; Treating.
- 20
- 25
- 30
- (d) Every person who, before or during or after the sittings, by himself or by or with any person, or by any other ways or means on his behalf, gives, or provides, or causes to be given or provided, or is accessory to the giving or providing, or pays wholly or in part any expenses incurred, or gives any ticket or order, for any meat, drink, refreshment or provision to or for any person, in order to induce such person to be, or for being, or to refrain from being registered, or for the purpose of in any way influencing any other person to be, or to refrain from being registered; Providing refreshments.
- 35
- 40
- 45
- (e) Every person who hires or promises to pay or pays for a horse, team, carriage, cab, boat, vessel or vehicle, to convey a person intending to apply Hiring teams etc.
- 50

or applying to be registered or registered to or near or from or on the way to or from the place of registration, or who, by himself or by any person on his behalf, pays the travelling or other expenses of a person in going to or returning⁵ from any such sittings:

Railway transportation.

- (f) Every person who provides or furnishes conveyance or transportation by railway, boat or vessel free of charge or at diminished rates to a person intending to apply or applying to be registered or registered to or near or from or on the way to or from the city or place of registration, and whether passes or tickets or the like are or are not supplied;

Personation.

- (g) Every person who applies to be registered in the 15 name of another person, whether such name be that of a person living or dead, or of a fictitious person, or who, having been once registered, applies at any time after such registration and before the election to be again registered under this Act either in the same or in another electoral district, except as authorized by section 3 of this Act; an offence under this clause shall constitute the offence of personation; 25

Aiding and abetting.

- (h) Every person who, directly or indirectly, aids or abets, counsels or procures the commission of the offence described in the preceding clause of this subsection;

Fraudulent registration.

- (i) Every person who wilfully applies for registration or who registers at any such sitting, knowing that he has not the right to be registered; 30

Procuring fraudulent registration.

- (j) Every person who, directly or indirectly, wilfully abets, induces or procures any such person to apply for registration or to be registered at any such sittings, knowing that such person has not the right to be registered. 35

Penalty.

(2) Every person guilty of an offence against the provisions of this section shall incur a penalty of not less than \$20 and not more than \$100 for each offence, and shall also be disqualified from being entered or registered as a voter, under this or any other Act, and from having his name retained on any voters' list as a voter, or from voting at any election for three years thereafter. 40

Striking off names on conviction.

(3) A County Judge on the complaint of anyone, whether a voter or not, at any time after the conviction of such person, may in a summary manner, and on proof of the conviction, strike the name of such person from any voters' 45

list upon which his name is entered for any polling subdivision within the jurisdiction of such County Judge. The Clerk of the Peace, or other officer having the custody of the voters' list, shall attend the County Judge when
 5 required so to do for the purpose of having the name of such person struck off as aforesaid. 61 V. c. 4, s. 14.

38.—(1) Any person who wilfully or maliciously destroys, injures or obliterates or causes to be wilfully or maliciously destroyed, injured or obliterated a book, list,
 10 certificate, oath, affidavit or other document made, prepared or drawn out according to or for the purpose of meeting the requirements of this Act, or any of them, shall incur a penalty of \$2,000 and shall be imprisoned for a period not exceeding twelve months, with or without hard
 15 labour.

(2) Anyone who aids, abets, counsels or procures the commission of any violation of this Act, as in this section mentioned, shall incur a penalty of \$2,000 and shall be imprisoned for a period not exceeding twelve months, with
 20 or without hard labour.

39. Any person appointed a Registrar or registry clerk who refuses to accept office or who, after accepting the same, refuses or neglects to take and subscribe the prescribed oath or to perform the duties of the office, for his
 25 neglect or refusal, if appointed a Registrar, shall incur a penalty of \$100, and if a registry clerk, a penalty of \$50. R.S.O. 1897, c. 8, s. 48. Penalty for refusing to act as registrar or registry clerk.

40. Every Registrar or registry clerk who is guilty of any wilful misfeasance or any wilful act or omission in
 30 contravention of this Act, not being an offence under section 38, shall forfeit to His Majesty the sum of \$200, and to any person aggrieved by such misfeasance, act or omission, a like sum of \$200. R.S.O. 1897, c. 8, s. 49. Penalty for misconduct.

41. A commissioner for taking affidavits, a notary public
 35 or a justice of the peace, who falsely signs an affidavit to be used under this Act, certifying or stating that such affidavit was sworn before him, or who signs it prior to the same being signed by the person purporting to swear the same or otherwise than in the presence of the deponent,
 40 shall forfeit his office, and shall also incur a penalty of not less than \$50 and not more than \$200, and be liable to imprisonment for any period not exceeding three months with or without hard labour. R.S.O. 1897, c. 8, s. 50. Penalty for falsely signing affidavits or declarations.

42.—(1) Any penalty, where imprisonment may not be
 45 imposed, mentioned in the next preceding four sections.

may be recovered with costs by any person suing for the same in any court of competent jurisdiction.

(2) Actions for penalties incurred under this Act shall be tried by a Judge without a jury.

COMPENSATION OF OFFICERS.

5

Fees of officers

43. For their services under this Act the officers employed shall be entitled to be paid as follows: A Registrar for each sitting, and each member of the Board of Appeal for each day on which a sitting is held, \$10; a registry clerk \$5 for each day; such sums shall be paid by 10 the Treasurer of the city upon the presentation of a certificate of the Registrar approved by the Chairman of the Board. The Chairman shall be paid a further sum of \$10 for his services hereunder, such sum to be paid by the Province. R.S.O. 1897, c. 8, s. 51; 61 V. c. 4, s. 15; 2 15 Edw. VII. c. 6, s. 1 (8).

COPIES OF ACTS TO BE SENT RETURNING OFFICER.

Copies of Acts
to be trans-
mitted with
writ.

Rev. Stat.
c. 19.

44. Where an election is to be held, there shall be sent to the returning officer with the writ of election such a number of copies of this Act and of *The Act to secure the 20 Prompt Punishment of Persons guilty of Personation at Elections for the Legislative Assembly*, and of any amendments which may be made to the said Acts, with full indexes thereto, as will be sufficient to supply the returning officer and every Registrar and registry clerk with one 25 copy at least, and there shall be sent at the same time to the said returning officer such additional number of the last mentioned Act, and any amendments thereto, as will be sufficient to supply each deputy returning officer with at least one copy thereof. R.S.O. 1897, c. 8, s. 52. 30

45. *The Manhood Suffrage Registration Act* and the several amendments thereto are repealed:

Provided always that in the case of a municipality to which the repealed Acts apply and to which this Act does not apply, if an election is to be held at any time before the 35 first day of January next, the provisions of the repealed Act shall continue to apply to such municipality for the purposes of such election.

SCHEDULE OF FORMS.

FORM 1.

(Section 5.)

APPOINTMENT OF REGISTRAR.

To K. L. (*Insert his residence and legal addition.*)

Know you that under the provisions of *The Manhood Suffrage Registration Act*, you have been appointed a Registrar by the Board of Manhood Suffrage Registrars for the City of

Given under my hand at the City of this day of
19 .

A. B.,

Chairman.

R.S.O. 1897, c. 8, Form 1.

FORM 2.

(Section 6.)

OATH OF REGISTRAR.

I, the undersigned, Registrar of Manhood Suffrage Voters for part of the Electoral District of the City of , solemnly swear (*or if the Registrar is one of the persons permitted by law to affirm* solemnly affirm) that I will act faithfully in my said capacity of Registrar without partiality, fear, favour or affection. So help me God.

Sworn, etc.

K. L.,

Registrar.

R.S.O. 1897, c. 8, Form 2.

FORM 3.

(Sections 13, 27.)

APPOINTMENT OF REGISTRY CLERK.

To M. N. (*Insert his residence and legal addition.*)

Know you that in my capacity of Registrar of Manhood Suffrage Voters for the group of polling subdivisions composed of polling subdivisions Nos. 1, 2, 3, 4 and 5 of the Electoral District of the City of I do hereby appoint you to be Registry Clerk for the said polling subdivisions.

Given under my hand at the City of this day of
19 .

K. L.,

Registrar.

R.S.O. 1897, c. 8, Form 3.

FORM 4.

(Referred to in Sections 13, 27.)

OATH OF REGISTRY CLERK.

I, the undersigned, appointed Registry Clerk of Manhood Suffrage Voters for part of the Electoral District of the City of _____ solemnly swear (or if the Clerk is one of the persons permitted by law to affirm solemnly affirm) that I will act faithfully in my capacity of Registry Clerk; and also in that of Registrar of Manhood Suffrage Voters if required to act as such according to law, without partiality, fear, favour or affection. So help me God.

Sworn, etc.

M. N.,

Registry Clerk.

R.S.O. 1897, c. 8, Form 4.

FORM 5.

(Section 17.)

FORM OF INDEX BOOK FOR VOTERS' LIST.

(First page.)

ELECTORAL DISTRICT OF THE CITY OF _____

Manhood Suffrage Voters' List for Elections to Legislative Assembly.

POLLING SUBDIVISION No. —.

Comprising (Giving the limits.) _____

NAME.	NUMBER OF HOUSE.	STREET OR OTHER DESCRIPTION.	OCCUPATION.

(Form for second and subsequent pages.)

Continuation of POLLING SUBDIVISION No. —.

NAME.	NUMBER OF HOUSE.	STREET OR OTHER DESCRIPTION.	OCCUPATION.

R.S.O. 1897, c. 8, Form 5.

FORM 6.

(Section 21.)

ORDER FOR THE ATTENDANCE OF WITNESSES BEFORE THE BOARD OF
APPEAL.

To (a)

Greeting:

You (b) are hereby required to attend before the Board of Appeal for the Registration of Manhood Suffrage Voters at in the of on (c) the day of 19 , at the hour of of the clock in the noon to testify to all matters and things which you know in the matter of the appeal of (d) of No. , on street in this (e) (f) against the decision of the Registrar of the Registration District, No. , respecting the application of (g) of No. on street in the (e) (f) to be registered as a Manhood Suffrage Voter, which appeal is to be then tried, and so from day to day until the appeal is disposed of, and (if the witness is required to produce documents) that you bring with you and produce at the said time and place (*set out the documents to be produced*).

Dated at this day of 19 .

NOTES.—(a) Insert here the name of the witness, or names of the witnesses.

(b) If more than one witness, add "and each of you."

(c) Insert here the day of the week.

(d) Insert here the name of the appellant.

(e) Insert here "city" or "town" as the case may be.

(f) State here the occupation of the party or parties.

(g) Insert here the name of the person whose application for registration was allowed or rejected by the Registrar, and which is the subject of the appeal.

61 V. c. 4, s. 18.

FORM 7.

(Section 17.)

FORM OF OATH TO BE TAKEN BY A MANHOOD SUFFRAGE VOTER APPLY-
ING FOR REGISTRATION IN THE POLLING SUBDIVISION IN WHICH
HE RESIDES.

1. You swear (a) that your name is (b) and that you are by occupation a (c)
2. That you are not a citizen or a subject of any foreign country.
3. That you are a British subject, and are of the full age of 21 years.
4. That you have resided within Canada for the twelve months next preceding the (d) day of 19 (e)
5. That you are now, and were on the said day, and for three months next preceding the same, a resident of, and had your home in, this municipality.
6. That you now reside at (f)

7. That you are not as you believed entered on the revised list of voters for this municipality to be used at this election, as entitled to vote at both municipal elections and elections to the Legislative Assembly, nor have you been entered, or registered, on any list of persons entitled to vote at this election under which entry or registration you can vote in any other municipality in the Province at this election, and you are as you believe entitled to vote thereat. So help you God. (g)

.....
Registrar.

Where a candidate or an agent for a candidate or political organization present under Section 25 desires this clause to be added or the Registrar deems such addition expedient, add:—

A. That you have not received anything, nor has anything been promised you, either directly or indirectly, either to induce you to promise to vote, or to apply for registration as a voter, or for loss of time, travelling expenses, hire of team, or any other service connected therewith. So help you God. (g)

.....
Registrar.

And in the cases of the Cities of Toronto and Hamilton, and of any other municipality which may hereafter be divided into two or more Electoral Districts, and in any municipality the several parts of which are situated in two or more Electoral Districts, add the following clause:—

8. That you are now, and were on the said day and for the thirty days next preceding the same a resident of and had your home within the territory comprising this electoral district.

NOTES.—(a) If the applicant is a person who may by law affirm, then for "swear" substitute "solemnly affirm."

(b) Insert here the full name of the applicant.

(c) Insert here the occupation of the applicant, or if the applicant has no occupation, state the fact.

(d) Insert here the date of the FIRST sitting held for the registration of voters

(e) In case the applicant has been temporarily absent for any of the purposes allowed by law, insert the words following, "except occasionally or temporarily, in the prosecution of your occupation of (mentioning, as the case may be, as a lumberman or a mariner or a fisherman or in attendance as a student in an institution of learning in the Dominion of Canada, naming the institution.)"

(f) Insert here the street and number of the house where the applicant resides if it has a street number, and if it has not then insert a brief description that will define its locality.

(g) Where paragraph A is omitted the Registrar will sign above this paragraph; where it is inserted he will sign below it.

2 Edw. VII. c. 6, s. 4 (1); 6 Edw. VII. c. 6, s. 1.

FORM 8.

(Section 3, ss. 2.)

OATH IN CASE OF STUDENT OR MEMBER OF PERMANENT MILITIA FORCE.

1. You swear that (a) that your name is (b) and that you are by occupation (c).

2. That you are a British subject and not a citizen or a subject of any foreign country.

3. That you are of the full age of 21 years.

4. That you are a student in attendance at the (or a member of the permanent militia force enlisted for continuous service at) and as such a resident of the municipality of

5. That you have resided in Canada for the twelve months next preceding the (d) day of 19 .

6. That you now reside at (e).

7. That you are now and were on the last mentioned day and for the thirty days preceding the same as such student (or member of the permanent militia force) a resident of this electoral district.

8. That you are not registered upon and could not have been and were not entitled to be registered or entered on any other list of persons entitled to vote at elections for the Legislative Assembly.

9. That you are as you believe entitled to vote at this election.

Where a candidate or an agent for a candidate or political organization present under Section 25 desires this clause to be added or the Registrar deems such addition expedient, add:—

A. That you have not received anything, nor has anything been promised you, either directly or indirectly, either to induce you to promise to vote, or to apply for registration as a voter, or for loss of time, travelling expenses, hire of team, or any other service connected therewith. So help you God. (g)

.....
Registrar.

And in the cases of the Cities of Toronto and Hamilton, and of any other municipality which may hereafter be divided into two or more Electoral District, and in any municipality the several parts of which are situated in two or more Electoral Districts, add the following clause:—

10. That you are now, and were on the said day and for the thirty days next preceding the same a resident of and had your home within the territory comprising this electoral district.

NOTES—(a) If applicant may by law affirm for "swear" substitute "solemnly affirm."

(b) Insert full name of applicant.

(c) Insert occupation of applicant.

(d) Insert date of first sitting for registration.

(e) Insert street and house number of applicant's residence or other description of same that will define its locality.

FORM 9.

(Sections 3 and 17.)

FORM OF OATH TO BE TAKEN BY A MANHOOD SUFFRAGE VOTER ON APPLYING FOR REGISTRATION UNDER SECTION 3.

1. You swear (a) that your name is (b) and that you are by occupation a (c)

1a. That you are not a citizen or a subject of any foreign country.

2. That you are a British subject and are of the full age of 21 years.

3. That you have resided within Canada for the twelve months next preceding the (d) day of 19 (e)

4. That you are now, and were on the said day, and for the three months next preceding the same, a resident of, and had your home in, this municipality.

5. That you now reside at (f)

6. That your name is entered on the revised voters' list for the municipality to be used at this election, as entitled to vote at both municipal elections and elections to the Legislative Assembly, but that you are not now entitled to vote at this election in respect of that qualification.

7. That save as aforesaid you have not been entered or registered on any list of persons or voters entitled to vote at this election under which entry or registration you can vote in any other municipality in Ontario at this election and you are as you believe entitled to vote thereat. So help you God. (g)

.....
Registrar.

When an agent for a candidate or political organization present, under Section 25, desires this clause to be added, or the Registrar deems such addition expedient, add:—

A. That you have not received anything, nor has anything been promised you, either directly or indirectly, either to induce you to promise to vote or to apply for registration as a voter, or for loss of time, travelling expenses, hire of team or any other service connected therewith. So help you God. (g)

.....
Registrar.

And in the cases of the cities of Toronto and Hamilton and of any other municipality which may hereafter be divided into two or more electoral districts and in any municipality the several parts of which are situated in two or more electoral districts, add the following clause:—

8. That you are now and were on the said day and for the thirty days next preceding the same a resident of and had your home within the territory comprising this electoral district.

NOTES.—(a) If the applicant is a person who may by law affirm in civil cases then for "swear" substitute "solemnly affirm."

(b) Insert here the full name of the applicant.

(c) Insert here the occupation of the applicant, or if the applicant has no occupation, state the fact.

(d) Insert here the date of the FIRST sitting held for the registration of voters.

(e) In case the applicant has been temporarily absent for any of the purposes allowed by law insert the words following, "except occasionally or temporarily, in the prosecution of your occupation of (mentioning, as the case may be, as a lumberman or a mariner or a fisherman or in attendance as a student in an institution of learning in the Dominion of Canada, naming the institution.)"

(f) Insert here the street and number of the house where the applicant resides, if it has a street number and if it has not then insert instead a brief description that will define its locality.

(g) Where paragraph A is omitted the Registrar will sign above this paragraph; where it is inserted he will sign below it.

2 Edw. VII. c. 6, s. 4 (1); 6 Edw. VII. c. 6, s. 1.

FORM 10.

(Section 22.)

The Board of Appeal for the Registration of Manhood Suffrage Voters for the _____ of _____ have on appeal given certificates to the following persons, upon which such persons are entitled to vote at this election in the following polling subdivisions of the said (municipality or electoral district, as the case may be)

POLLING SUBDIVISION No. .

NAME.	NUMBER OF HOUSE, LOT OR BLOCK.	STREET OR OTHER DESCRIPTION.	OCCUPATION.

POLLING SUBDIVISION No. .

NAME.	NUMBER OF HOUSE, LOT OR BLOCK.	STREET OR OTHER DESCRIPTION.	OCCUPATION.

.....
Chairman.

61 V. c. 4, s. 10.

FORM 11.

(Section 22.)

The Board of Appeal for the Registration of Manhood Suffrage Voters for the _____ of _____ have on appeal struck off the names of the following persons from the list of Manhood Suffrage Voters in the following polling subdivisions in the said (municipality or electoral district, as the case may be.)

POLLING SUBDIVISION No. .

NAME.	NUMBER OF HOUSE, LOT OR BLOCK.	STREET OR OTHER DESCRIPTION.	OCCUPATION.

POLLING SUBDIVISION No. .

NAME.	NUMBER OF HOUSE, LOT OR BLOCK.	STREET OR OTHER DESCRIPTION.	OCCUPATION.

.....
Chairman.

61 V. c. 4, s. 10.

FORM 12.

(Section 20.)

NOTICE OF APPEAL AGAINST THE DECISION OF A REGISTRAR.

To the Registrar of Registration District No. .

Take notice that I hereby appeal to the Board of Appeal for the Registration of Manhood Suffrage Voters against the (a) by the Registrar of the above Registration District of the application of (b) of No. on street in this (c) to be registered as a Manhood Suffrage Voter.

Dated this

day of

19

of No.....on.....street
(c).....

NOTES.—(a) Insert here "allowance" or "rejection" (as the case may be).

(b) Insert here the name of the party or parties whose application for registration was allowed or rejected by the Registrar. Notice must also be given to the party whose application has been allowed by the Registrar and whose name is sought to be struck off the registration list.

(c) Insert here the occupation of the party or parties.

51 V. c. 4, s. 10.

Form 13.

(Section 19.)

FORM OF AFFIDAVIT OF QUALIFICATION OF REGISTRATION OF ABSENTEE MANHOOD SUFFRAGE VOTER.

I (a) of the City of
in the County of (b) make oath as follows:—

1. That I am (or is) a British subject and of
the full age of 21 years.

2. That I am (or is) not a citizen or a subject of
any foreign country.

3. That I have (or has) resided in Canada for the
twelve months next preceding the (c) day of
190 (d).

4. That I am (or the said is) now and was on the
said day and for three months next preceding the same a resident
of and had my (or his) home in this municipality.

5. That I am (or the said is) not as I believe
entered on the list of voters for this municipality to be used at this
election as entitled to vote at both municipal elections and elections
to the Legislative Assembly, nor have I (or has the said)
been entered on any list of persons entitled to vote at this election
under which entry or registration I (or the said)
can vote in any other municipality in Ontario at this election and
that I am (or the said is) as I believe entitled to
vote thereat.

Sworn before me at the City of
in the County of
this day of
190 .

A Commissioner, etc.

NOTES.—(a) Set our names in full.

(b) If deponent is by law entitled to affirm instead of "make oath" insert "solemnly affirm."

(c) Insert here date of the FIRST sitting held for registration.

(d) In case the applicant has been temporarily absent for any purposes allowed by law insert the following words "except temporarily or occasionally in the prosecution of my (or his) occupation of (mentioning, as the case may be, as a lumberman or a mariner or a fisherman or a student in attendance as a student at an institution of learning in the Dominion of Canada, naming the institution.)"

FORM 14.

(Section 19.)

FORM OF SECOND AFFIDAVIT TO BE FILED ON APPLICATION FOR
REGISTRATION OF ABSENTEE VOTER.

I, _____, of the City of _____,
in the County of _____, make oath:—

1. That I am (or _____ is), the person applying
to be registered as a Manhod Suffrage Voter in the Electoral Dis-
trict of _____, in the City of _____

2. I am (or the said _____ is) unable to attend the
sittings of any of them held for registration of Manhood Suffrage
Voters for the said Electoral District for the election of a member
to the Legislative Assembly to be held on the _____ day of
190____, for the following reasons (*here set out
the reasons fully such as sickness, physical disability or temporary
absence from the county in which the City is situate in the neces-
sary pursuit of business, etc., as in clauses "A" and "B" section
19.*)

If the application is made by a person authorized in writing to
apply, add "my authority to make application for registration of
the said _____ is shown in the paper writing annexed
hereto, the signature of which I know (or believe) is the signature
of the said _____."

3. The facts above set forth are true according to my information
and belief, and such information and belief is founded upon the
following facts (*here set out concisely the facts from which deponent
derives his information.*)

Sworn before me this _____
day of _____
in the County of _____
190_____.

A-Commissioner.

NOTE.—If this affidavit is made by the absentee in person the last paragraph may be
omitted.

3rd Session, 11th Legislature,
7 Edward VII., 1907.

BILL.

An Act to amend and consolidate the Man-
hood Suffrage Registration Act.

First Reading,	9th April, 1907.
Second Reading,	. 1907
Third Reading,	1907.

Mr. FOY.

TORONTO:

PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

An Act to amend the Act to Provide for the Transmission of Electrical Power to Municipalities.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 10 of the Act passed in the sixth year of His Majesty's reign, Chaptered 15, is repealed and the following substituted therefor:—

10. Every Municipal Corporation entering into a contract with the Commission as hereinbefore provided may use for heat, light and power purposes the power or energy transmitted to the Municipality for Municipal purposes and may distribute and supply the same to the inhabitants; and the clauses lettered "a" to "a9," both inclusive, following paragraph 4 of Section 566 and Sections 567*a* and 567*b* of *The Consolidated Municipal Act, 1903*, shall not apply to such Municipal Corporation, nor shall it be necessary for the council before passing any by-law or issuing debentures thereunder for the purposes of this Act to fix any price to be offered to any Electric Light Company or Gas Company supplying, of which has heretofore supplied, electric light or power or gas in the Municipality or to take any further or other proceedings having for their object the fixing a price to be paid by the Municipal Corporation for the works and plant of any such Company or any part thereof or for the purchase or expropriation of such plant or any part thereof by such Corporation unless the Commission on the application of any such Electric Light Company or of the Municipal Corporation shall otherwise order or direct.

2. The said Section 10 is further amended by adding thereto the following Subsection:—

(2) A Municipal Corporation entering into a contract with the Commission under this Act may, from time to

time, with the approval of the Commission, contract with the Corporation of any other Municipality, person, firm or corporation to supply and distribute electrical power or energy for light, heat and power purposes to such other Municipality for the use of the Corporation and the inhabitants and to such person, firm or corporation.

3. The clause lettered "c" in Section 12 of the said Act is repealed and the following substituted therefor:—

- (c) To demand, order and direct the delivery to the Commissioner of the whole or any part of the 10 product of the works of any Company or individual generating, transmitting or distributing or proposing to develop a water power or water privilege for the purposes of generating, transmitting or distributing electrical power or 15 energy in Ontario, or to enter into agreements with any such Company or individual for the supply of such product, or an part thereof, to the Commission for the purposes of this Act.

4. Section 15 of the said Act is repealed and the following substituted therefor:—

15. In addition to the price per horse power payable by any Municipal Corporation under the terms of a contract entered into with the Commission (which price shall include the cost of the power to the Commission at the point 25 of development) every such Municipal Corporation shall annually pay to the Commission its proportion of the following charges:—

- (a) Interest at the rate of 4 per cent. upon moneys expended by the Commission on capital account 30 in the construction or purchase of the works, plant, machinery and appliances constructed or acquired by the Commission for the purpose of supplying electrical power or energy to the Municipal Corporation and other Municipalities, if any.
- (b) An annual sum sufficient to form in thirty years a sinking fund for the retirement of the securities issued by the Province under this Act for the payment of the cost of the works herein- 40 before mentioned; and
- (c) Line loss and the cost of operating, maintaining, repairing, renewing and insuring the said works, plant, machinery and appliances.

5. All Municipal by-laws heretofore passed authorizing 45 Municipal Corporations to enter into a contract with The Hydro-Electric Power Commission of Ontario are confirm-

ed and declared to be legal, valid and binding and to have complied with the requirements of the said Act passed in the sixth year of His Majesty's reign, Chaptered 15, and ever contract entered into between a Municipal Corporation and the said Commission purporting to be made in pursuance of the said Act and in pursuance of the said Act and in such form as may be approved by the Lieutenant-Governor in Council shall be valid and binding upon the Municipal Corporation and the inhabitants thereof.

No. 225.

3rd Session, 11th Legislature,
7 Edward VII., 1907.

BILL.

An Act to amend the Act to Provide for
the Transmission of Electrical Power
to Municipalities.

First Reading, 11th April, 1907.

Mr. BECK.

TORONTO:

PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

An Act to prevent the Wasting of Natural Gas and
to provide for the Plugging of all Abandoned
Wells.

HIS MAJESTY, by and with the advice and consent
of the Legislative Assembly of the Province of On-
tario, enacts as follows:—

1. Any person in possession, whether as owner, lessee, Natural gas not to be allowed to escape from unused wells.
5 agent or manager of any well in which natural gas has been found, shall, unless such gas is utilized within four weeks from the completion of such well, in order to prevent such gas from wasting by escape, confine the same in such well until such time as said gas is utilized; but this section
10 shall not apply to any well while it is being operated as an oil well.
2. Whenever the owner or any person in possession of Inspector to notify owners, etc., to confine gas, and upon default shall himself confine same.
or having the control of any well in which gas has been found, fails to comply with the provisions of section 1
15 hereof within the time therein mentioned, the inspector appointed, as hereinafter provided, shall notify such person in writing to cause such gas to be so confined, and in case of the failure of such person to comply with such notice within ten days from the receipt thereof the inspector shall
20 enter upon the lands upon which such well is situate and either by himself, his agents or employees shall cause such gas to be shut in and confined in such well.
3. Whenever any well which has been drilled for the Plugging abandoned wells.
purpose of exploring for oil or gas is afterwards abandoned
25 it shall be the duty of the owner or the person in possession or control of such well, and of every person engaged or employed in removing the casing from or in plugging such well, or in any work constituting an abandonment of such well, to plug or plug and cement said well in such
30 manner as to prevent any fresh or salt water or other injurious substances from entering the oil or gas bearing rock either from above or below such rock.

Plug to be
inserted
in well.

4. In every such case of abandonment, in addition to any other work necessary to the proper plugging of such well in compliance with the provisions of the next preceding section or of any regulations made by an inspector in the manner hereinafter provided, there shall be inserted 5 in such well a round and slightly tapering plug of seasoned wood, not less than three feet in length and of such diameter as to enable it to be firmly driven and to fit tightly at the point where the casing, used for the purpose of shutting off water from such well, was made to rest. 10

Inspector upon
complaint to
examine
abandoned well
and plug same.

5. Whenever any person notifies the inspector in writing that any property in which he is interested, situate in the vicinity of any such abandoned well, is injuriously affected by the failure to plug any such well as in the next preceding section provided, the inspector shall examine 15 such abandoned well and ascertain whether it has been properly plugged according to the provisions of this Act, and in case the inspector determines that such well has not been properly plugged within the meaning of this Act he shall serve a notice on the owner thereof or upon any person 20 having the control thereof, or upon any person who was engaged or employed in the work of removing the casing from, or in plugging such well, or in any work which constituted an abandonment of such well, or may serve such notice on all of said persons, which notice shall require 25 such well to be plugged within ten days from the receipt of such notice, and shall specify the method and manner to be followed in the plugging thereof, and unless within said ten days such well is plugged according to the directions contained in said notice, the inspector either by him- 30 self, his agents or employees shall plug or cause such well to be plugged properly, according to the provisions of this Act.

How expenses
to be recovered
by Inspector.

6. The expenses incidental to or occasioned by the examination and plugging of any abandoned well or by the 35 confining or shutting in of the gas from any well by the inspector under the provisions of this Act shall be paid to the inspector within ten days after notice is writing of the completion of the work and the amount of such expenses shall have been given to the owner or other person having 40 control of any such well, and upon failure to pay the same within such time the inspector shall give written notice of such failure to pay to the clerk of the municipality in which such well is situate and of the amount payable, and the council of such municipality shall thereupon pay to the 45 inspector such expenses and the same shall be added to the taxes upon any property of the owner of such well, whether such well is situate upon such property or not, unless the mineral rights in the land upon which such well is situate have been severed or reserved from such land in 50

which case the said expenses shall be added to any taxes chargeable against the reserved mineral rights in the land upon which such well is situate or against any other property of the owner of such reserved mineral rights, and such expenses shall be placed upon the collector's roll of the municipality and may be levied and collected in the same manner as other taxes are levied and collected.

7. Any person found guilty of a violation of sections 1, 3, 4 or 11 of this Act shall, upon summary conviction, incur a penalty of not less than \$10, and not more than \$100, in addition to any costs and expenses which he may be liable to pay under the provisions of section 6 of this Act; but this section shall not affect any right of action for damages for injuries arising out of any matter or thing for which this section provides a penalty.

Penalty for violation of this Act.

8. An inspector or inspectors may be appointed by the Lieutenant-Governor from time to time to enforce the provisions of this Act, and assigned to such district or districts as he may deem proper. Each inspector shall give such security as the Minister of Lands, Forests and Mines shall require for the performance of his duties and the payment over of all moneys received by him.

Inspectors to be appointed.

9. It shall be the duty of every such inspector to see that the provisions of this Act are complied with, to keep a record of all work done, notices given, proceedings taken and moneys received or paid out by him under the provisions of this Act. He shall have authority to engage such agents or employees as he may deem necessary from time to time to carry out the requirements of this Act, and shall also be empowered from time to time and at all times by himself, his servants or employees to enter upon any lands or property upon which any wells are being or have been drilled, and to make such examinations, inspection and inquiries as may be necessary for carrying into effect the provisions of this Act; and no action or other proceeding shall lie against any such inspector, his agents or employees for any matter or thing done by him or them under the provisions of this Act.

Duties of Inspectors.

10. Whenever the conditions of any locality make it desirable in the opinion of the inspector, he may, subject to the sanction of the Minister of Lands, Forests and Mines, make special regulations respecting the manner of plugging abandoned wells in such locality in addition to or in substitution for the method directed to be followed in this Act. Such regulations may be made to apply to the whole or any portion of the district to which such inspector is assigned, and may be promulgated in such manner as the

Inspectors may make regulations with consent of Minister

said Minister shall direct, but shall not go into effect until after the lapse of six weeks from the first publication thereof.

Declaration to be made by certain persons respecting such wells.

11. The inspector may by notice in writing delivered to any person who had charge or control of the removal of casing or plugging or abandonment of any well, or who was engaged or employed in removing the casing from or in plugging any such well or in any work constituting an abandonment of such well, require such person within ten days from the receipt of such notice to furnish a statutory declaration respecting such abandoned well to said inspector; and such person shall within said ten days furnish said declaration to the inspector either by delivering the same into his hands or by mailing by registered post to his address; and such declaration shall identify such well and shall set out in detail the precise manner of and the material and tools used in plugging same; and any person violating the provisions of this section without sufficient cause or excuse shall incur the penalty provided by section 7 of this Act.

R.S.O., c. 277, repealed.

12. Chapter 277 of the Revised Statutes of Ontario, 1897, and amending Acts are hereby repealed.

3rd Session, 11th Legislature,
7 Edward VII., 1907.

BILL.

An Act to Prevent the Wasting of Natural
Gas and to provide for the Plugging of
all Abandoned Wells.

First Reading, 15th April, 1907.

Mr. HANNA.

TORONTO:

PRINTED BY L. K. CAMERON,

Printer to the King's Most Excellent Majesty.

An Act to provide for the Transmission of Electrical
Power to Municipalities.

HIS MAJESTY, by and with the advice and consent of
the Legislative Assembly of the Province of On-
tario, enacts as follows:—

1. This Act may be cited as *The Power Commission Act*. Short Title.
2. For the purposes hereinafter mentioned, the Lieutenant-Governor in Council may from time to time appoint a Appointment of Hydro-Electric Power Commission. Commission of three persons, two of whom may be members and one of whom shall be a member of the Executive Council, and The Commission shall be a body corporate under the name of "The Hydro-Electric Power Commission of Ontario," hereinafter called "The Commission." Chairman Quorum.
3. The Lieutenant-Governor in Council may appoint one of the members to be Chairman of The Commission. Two members shall form a quorum. 6 Edw. VII. c. 15, s. 2.
4. Every person appointed to The Commission shall hold office during pleasure, and the Lieutenant-Governor in Council, upon the death, resignation or removal from office of any member of The Commission, may appoint some other person to fill his place. 6 Edw. VII. c. 15, s. 3. Tenure of office. Vacancies.
5. The members of The Commission other than a member of the Executive Council shall be paid out of such moneys as may be voted by the Legislature for that purpose such salary or other remuneration as may be fixed by the Lieutenant-Governor in Council. 6 Edw. VII. c. 15, s. 4. Salaries.
6. The Commission may appoint a Chief Engineer, an Accountant, and a Secretary, and such other engineers, accountants, officers, servants and workmen as may be Appointment of officers by Commission.

deemed requisite. The salaries or other remuneration of the persons so appointed shall be fixed by The Commission subject to the ratification of the Lieutenant-Governor in Council and shall be payable out of such moneys as may be voted by the Legislature for that purpose. 6 Edw. VII. c. 15, s. 5.

Report of
Commission as
to acquiring
works, etc.

7. The Commission may from time to time, report to the Lieutenant-Governor in Council, designating the lands, waters, water privileges or water powers or the lands, works, machinery and plant, or portion thereof of any corporation or person owning, or holding under lease or otherwise, or developing, operating or using a water privilege or water power, or transmitting electrical or other power or energy in Ontario which in the opinion of The Commission, should be purchased, acquired, leased, taken, expropriated, developed, operated or used by The Commission for the purposes of this Act, or designating the quantity of the product of any corporation or person generating electrical power or energy in Ontario or bringing such power or energy into Ontario for use or transmission therein which The Commission requires for the purposes of this Act. 6 Edw. VII. c. 15, s. 11.

Authority may
be given to
Commission.

8. The Lieutenant-Governor in Council, upon the report of The Commission recommending the same, may authorize the Commission :—

25

To acquire
lands and
works.

(a) To acquire by purchase, lease or otherwise, or without the consent of the owners thereof or persons interested therein to enter upon, take and use the lands, waters, water privileges, water powers, works, machinery and plant of any corporation or person owning, holding under lease or otherwise or developing, operating or using the same for generating or adapted for generating electrical power or energy or for the transmission thereof in Ontario; and to develop and use the same for any of the purposes of this Act;

Plant and
property of
transmission
Companies.

(b) To construct, maintain and operate, and to acquire by purchase, lease or otherwise, or without the consent of the owners thereof or persons interested therein to enter upon, take, and use, all erections, machinery, plant, and other works and appliances for the transmission and supply of electrical power or energy, and to conduct, store, transmit and supply electrical power or energy for the purposes of this Act and with lines of wires, poles, conduits, motors or other conductors or devices to receive, conduct, convey, transmit, distribute, supply or furnish such electrical power or energy to or from

any corporation or person at any place through, over, under, along or across any lands, public highway, bridge, viaduct, railway, waters or watercourse, and through, over or under the lands of any corporation or person, and to enter upon any lands upon either side of such lines or conduits and fell or remove any tree or limb thereof, or obstruction, which, in the opinion of The Commission, it is necessary to fell or remove;

(c) To contract with any corporation or person generating, transmitting or distributing electrical power or energy or proposing so to do to supply electrical power or energy to The Commission; and to require any corporation or person generating, transmitting or distributing electrical power or energy to supply so much thereof as The Commission may require.

9. Whenever The Commission is authorized by the Lieutenant-Governor in Council to exercise any of the compulsory powers mentioned in section 8, The Commission in respect thereof shall have the powers and shall proceed in the manner provided by *The Public Works Act* where the Minister of Public Works takes land or property for the use of the Province, and the provisions of the said Act shall *mutatis mutandis* apply.

Powers of Commission as to expropriation: how exercised.

10. The compulsory powers conferred by this Act shall extend to lands, works, rights, powers, privileges and property notwithstanding that the same are or may be deemed to be devoted to a public use or that the owner thereof possesses the power of taking lands compulsorily. 6 Edw. VII. c. 15, s. 22.

Extent of powers of expropriation.

11. Whenever required by the Lieutenant-Governor in Council so to do. The Commission shall enquire into, examine and investigate water powers or water privileges in Ontario and report upon the value and capacity thereof, with such other information as the Lieutenant-Governor in Council may require. Every report of The Commission shall be laid before the Legislative Assembly at its next ensuing session. 6 Edw. VII. c. 15, s. 20.

Commission to report on water powers, etc. when required.

12. Any municipal corporation may apply to The Commission for the transmission and supply to the corporation of electrical power or energy for the use of the corporation and the inhabitants of the municipality for lighting, heating and power purposes or for any or either of such purposes or for any of the purposes mentioned in section 14, and The Commission shall thereupon furnish to the corporation a statement of the maximum price per horsepower at

Application to Commission for supply of power to municipal corporation.

which the electrical power or energy will be supplied at the point of development or of its delivery to The Commission and an estimate of the cost of constructing or providing a transmission line by means of which the amount of electrical power or energy required by the corporation is to be supplied and of maintaining the same, and may furnish to the corporation plans and specifications of the works, plant, machinery and appliances necessary for the distribution of such power or energy by the corporation and an estimate of the cost thereof, and such other information as The Commission may deem advisable. The Council may thereupon enter into a provisional contract with The Commission for the supply of electrical power or energy for the purposes mentioned in this Act.

Submission of provisional contract to ratepayers.

13.—(1) The provisional contract shall not be binding upon the corporation unless and until a by-law approving the same has been submitted to and has received the assent in accordance with the provisions of *The Consolidated Municipal Act, 1903*, of the electors qualified to vote on by-laws for creating debts, and the estimates of The Commission or a summary thereof and a copy of the provisional contract shall be published with or from part of the by-law.

(2) After the provisional contract has received the assent of the electors and has been executed by the corporation and approved by the Lieutenant-Governor in Council, The Commission may carry out and execute the same and shall have power and authority to do all acts necessary for that purpose.

Powers of contracting municipality as to supplying light, heat and power.

14.—(1) In addition to the powers conferred by this Act, a municipal corporation which has entered into a contract with The Commission for the supply of electrical power or energy shall have and may exercise in respect of such power or energy all the powers which are by *The Municipal Light and Heat Act* or *The Consolidated Municipal Act, 1903*, conferred upon corporations in respect to light and heat, and all the powers which are conferred upon corporations by the said last mentioned Act for contracting debts for any purpose within the jurisdiction of the council thereof and also the power to expropriate land, making compensation therefor, under the provisions of the said last mentioned Act.

(2) The Council of a municipal corporation, if they shall see fit, may submit a by-law for raising the money required for any of the purposes mentioned or referred to in subsection 1, at the same time as the provisional contract is submitted to the electors under the provisions of section 13.

Supplying power outside of municipality.

(3) A municipal corporation which has entered into a contract with The Commission under this Act may from

time to time, with the approval of The Commission, contract with any other municipal corporation or with any person or corporation for the supply or distribution of electrical power or energy in any other municipality, and such other municipal corporation shall have authority to enter into the contract; but a municipal corporation shall not exercise the power conferred by this section in another municipality without the consent of the Council thereof.

15. For greater certainty it is hereby declared that 3 Edw. VII. c. 19, s. 566, part 4, clause (a)-(c) 9; and sections 567a and 267b not to apply.

10 clauses lettered (a) to (a9), both inclusive, following paragraph 4 of section 566 and sections 567a and 567b of *The Consolidated Municipal Act, 1903*, shall not apply to any municipal corporation which has entered into a contract with The Commission or to any by-law which shall be submitted to the electors under the provisions of this Act.

16.--(1) The Commission may, subject to the approval of the Lieutenant-Governor in Council, contract from time to time with a railway company or a distributing company or with any other corporation or person for the supply of 20 electrical power or energy.

Supplying power to railways and distributing companies.

(2) Any net profit made by The Commission in supplying power under the next preceding subsection after making provision for the cost of acquiring or constructing and of maintaining the works by means of which the power or 25 energy is supplied, shall be applied in payment of the cost of maintaining the works acquired or constructed and operated by The Commission.

Profits to be applied in reducing cost of maintenance to municipalities.

(3) The Commission may, from time to time, with the approval of the Lieutenant-Governor in Council, contract 30 with a railway company or power or transmission company for the use of its right of way and property for the erection of works and other constructions for transmitting electrical power or energy. 6 Edw. VII. c. 15, s. 9.

Agreements for use of right of way of railway companies.

17. The expenditure of The Commission upon any works, 35 undertaken under the provisions of this Act, shall be repayable to the Commission by the municipal corporations which have entered into contracts with The Commission. 6 Edw. VII. c. 15, s. 14.

Cost of works to be borne by municipalities.

18. In addition to the price per horse power payable by 40 any municipal corporation under the terms of a contract entered into with The Commission, which shall be the cost of the power to The Commission at the point of development, or of its delivery to The Commission, the corporation shall annually pay to The Commission its proportion as 45 adjusted by The Commission of the following charges:—

(a) Interest at the rate of 4 per cent. upon the moneys expended by The Commission on capital account in the construction or purchase of the works.

(b) An annual sum sufficient to form in thirty years a sinking fund for the retirement of the securities issued by the Province under this Act for the payment of the cost of the works; and

(c) Line loss and the cost of operating, maintaining, repairing, renewing and insuring the works.

Apportionment of amounts payable by municipalities.

19. The Commission shall annually adjust and apportion the amounts payable by municipal corporations under the next preceding section. 6 Edw. VII. c. 15, s. 16.

Government authorized to raise funds necessary for work of Commission.

20. The Lieutenant-Governor in Council may from time to time raise by way of loan on the credit of the Province in the manner provided by the Act passed in the fifth year of His Majesty's reign, Chaptered 2, such sums as the Lieutenant-Governor in Council may deem requisite for the purposes of this Act, and such sums may be paid over to The Commission and shall be accounted for and audited in the manner provided with respect to the management of the public revenue and public accounts. 6 Edw. VII. c. 15, s. 17.

Commission to account for monies received—application of same.

21. All sums received by The Commission shall be accounted for and paid over to the Treasurer of the Province, to be applied from time to time in the retirement of the securities given by the Province for any debt incurred under the authority of this Act. 6 Edw. VII. c. 15, s. 18.

Complaints as to rates charged by light, heat, power or gas companies, etc.

22.—(1) Upon the complaint in writing of any municipal corporation, company or person that any municipal corporation, company or person receiving power from the Commission is charging for electric lighting or heating or for electrical power or energy a rate which is excessive or unfair, or that any municipal corporation is making use of the power conferred upon it by this Act for the purpose of granting a bonus by supplying power, light or heat below cost to manufacturers or others, the chairman of the Commission may appoint a time and place at which the Commission or some member thereof will hear and determine the matter of the complaint.

Hearing of complaints.

(2) Such notice of the appointment as the Chairman may direct shall be given by the Secretary of The Commission to such persons as the Chairman may direct. At the time and place appointed The Commission or a member thereof shall hear and determine the matter of the complaint and may dismiss or allow the complaint and may direct what rates shall be charged, and may regulate and determine the rates to be charged and may direct the amendment of any by-law or agreement accordingly, or may make such order as may seem meet.

(3) The Commission or the member thereof hearing the complaint shall have all the powers authorized to be conferred upon a Commissioner appointed under *The Act respecting Enquiries concerning Public Matters*. Powers of Commission on enquiry.

- 5 (4) Any municipal corporation, company or person neglecting or refusing to obey and carry out the order or direction of The Commission or the member thereof before whom the complaint was heard in addition to any other liability shall forfeit to His Majesty for the uses of the Province the sum of \$100 for every day during which such refusal or neglect shall continue. 6 Edw. VII. c. 15, s. 19. Penalty for disobedience to order of Commission.

23. Without the consent of the Attorney-General, no action shall be brought against The Commission or against any member thereof for anything done or omitted in the exercise of his office. 6 Edw. VII. c. 15, s. 21. No action to be brought against Commission without consent of Attorney-General.

24. Neither the Province nor The Commission nor any member thereof shall incur any liability by reason of any error or omission in any estimates, plans or specifications prepared or furnished by The Commission.

- 20 25.—(1) The Act passed in the 6th year of His Majesty's reign, Chaptered 15, is hereby repealed, but the repeal thereof shall not affect the matters and things mentioned in section 8 of Chapter 3 of the Revised Statutes of Ontario, 1897, which shall apply to this Act.

- 25 (2) Any contract which might have been entered into under the authority of the repealed Act may be entered into after the passing of this Act with the same effect and in the same way as if the first mentioned Act had not been repealed.

3rd Session, 11th Legislature,
7 Edward VII., 1907.

BILL.

An Act to provide for the Transmission of
Electrical Power to Municipalities.

First Reading, 15th April, 1907.
Second Reading, 15th April, 1907.

MR. BECK.

TORONTO:

PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

An Act for granting to His Majesty certain sums of money to defray the expenses of Civil Government for the year One Thousand Nine Hundred and Seven and for other purposes therein mentioned.

MOST GRACIOUS SOVEREIGN :

WHEREAS it appears by messages from His Honour William Mortimer Clark, Lieutenant-Governor of the Province of Ontario, and the estimates accompanying the same, that the sums hereinafter mentioned in the Schedules to this Act are required to defray certain expenses of the Civil Government of this Province, and of the Public Service thereof, and for other purposes for the year one thousand nine hundred and seven; May it therefore please Your Majesty that it may be enacted, and it is hereby enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, as follows :—

1. From and out of the Consolidated Revenue Fund of this Province, there shall and may be paid and applied a sum (not exceeding in the whole) of Seven million two hundred and ninety-four thousand three hundred and eighty-two dollars and twenty-eight cents for defraying the several charges and expenses of the Civil Government of this Province for the year one thousand nine hundred and seven, as set forth in Schedule "A" to this Act; and for the expenses of Legislation, Public Institutions' Maintenance, and Salaries of the Officers of the Government and Civil Service for the month of January, one thousand nine hundred and eight, as set forth in Schedule "B" to this Act.

\$7,294,382.28
entitled out of
 consolidated
 revenue fund
 for certain
 purposes.

2. Accounts in detail of all moneys received on account of this Province, and of all expenditures under Schedule "A" of this Act, shall be laid before the Legislative Assembly at its next sitting.

Accounts to be
 laid before
 Legislative
 Assembly.

Unexpended
moneys.

3. Any part of the money under Schedule "A" appropriated by this Act out of the Consolidated Revenue, which may be unexpended on the thirty-first day of December, one thousand nine hundred and seven, shall not be expended thereafter, except in the payment of accounts and expenses incurred on or prior to the said day; and all balances remaining unexpended after the 20th day of January next shall lapse and be written off.

Expenditure to
be accounted
for to His
Majesty.

4. The due application of all moneys expended under this Act out of the Consolidated Revenue shall be accounted for to His Majesty.

SCHEDULE "A."

Sums granted to His Majesty by this Act for the year one thousand nine hundred and seven, and the purposes for which they are granted:—

CIVIL GOVERNMENT.

To defray the expenses of the several Departments at Toronto:—

Lieutenant-Governor's Office.....	\$4,300 00	
Office of the Prime Minister and President of the Council.....	14,550 00	
Attorney-General's Department...	64,512 00	
Education Department.....	29,899 00	
Lands, Forests and Mines Depart- ment.....	114,250 00	
Public Works Department.....	52,450 00	
Treasury Department.....	32,600 00	
Provincial Auditor's Office.....	14,600 00	
Provincial Secretary's Department	151,855 00	
Department of Agriculture.....	53,426 00	
Miscellaneous.....	15,950 00	
	-----	\$548,392 00

LEGISLATION.

To defray expenses of Legislation.....	225,400 00
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ADMINISTRATION OF JUSTICE.

To defray expenses of Administration of Justice	625,402 29
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EDUCATION.

To defray expenses of:—

Public and Separate School Edu- cation	\$937,369 45
High Schools and Collegiate Insti- tutes.....	155,593 75

Departmental Library and Museum.....	19,218 95	
Public Libraries, Art Schools, Literary and Scientific	61,100 00	
Technical Education	31,620 00	
Superannuated Public and High School Teachers.....	63,650 00	
Provincial University and Mining Schools.....	50,707 40	
Maintenance Education Department and Miscellaneous.....	26,436 72	
Institution for Deaf and Dumb, Belleville	56,056 00	
Blind Institute, Brantford.....	38,216 00	
		\$1,439,968 27

PUBLIC INSTITUTIONS' MAINTENANCE.

To defray expenses of :

Asylum for the Insane, Brockville. \$	98,023 00	
Asylum for the Insane, Cobourg.	25,252 00	
Asylum for the Insane, Hamilton	140,130 00	
Asylum for the Insane, Kingston	100,734 00	
Asylum for the Insane, London..	148,100 00	
Asylum for the Insane, Mimico..	88,330 00	
Asylum for the Feeble Minded, Orillia.....	76,988 00	
Asylum for the Insane, Penetanguishene.	43,916 00	
Asylum for the Insane, Toronto..	134,575 50	
Asylum for Epileptics, Woodstock	22,576 00	
Central Prison, Toronto.....	70,420 00	
Central Prison Industries.....	66,220 00	
Mercer Reformatory, Toronto...	23,450 00	
		\$1,048,714 50

AGRICULTURE.

To defray expenses of a grant in aid of Agriculture	\$507,453 00
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COLONIZATION AND IMMIGRATION.

To defray expenses of Colonization and Immigration.....	\$55,665 00
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HOSPITALS AND CHARITIES.

To defray expenses of a grant in aid of Hospitals and Charities.....	\$389,363 53
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MAINTENANCE AND REPAIRS OF GOVERNMENT AND
DEPARTMENTAL BUILDINGS.

Government House.....	\$ 18,000 00	
Parliament and Departmental Buildings	79,395 00	
		\$97,395 00

PUBLIC BUILDINGS.

Public Institutions :—

Asylum for Insane, Brockville ..	\$ 12,350 00
Asylum for Insane, Cobourg....	3,600 00
Asylum for Insane, Hamilton....	16,200 00
Asylum for Insane, Kingston....	19,000 00
Asylum for Insane, London.....	16,850 00
Asylum for Insane, Mimico.....	18,050 00
Asylum for Feeble Minded, Orillia.	7,475 00
Asylum for Insane, Penetanguishene	23,000 00
Asylum for Insane, Toronto.....	107,500 00
Asylum for Epileptics, Woodstock	59,825 00
Central Prison, Toronto	6,000 00
Mercer Reformatory, Toronto	5,400 00

Educational :—

Normal and Model Schools, Toronto.	7,850 00
Normal and Model School, Ottawa	17,150 00
Normal School, London.....	11,700 00
Additional Normal Schools	200,000 00
Deaf and Dumb Institute, Belleville.....	9,600 00
Institution for the Blind, Brantford	2,400 00
Ontario Agricultural College....	77,225 00
Colonization and Immigration— Lodging House.....	5,000 00
Districts :—	
Muskoka.....	600 00
Parry Sound	9,420 00
Algoma	12,600 00
Thunder Bay.....	10,900 00
Rainy River.....	2,475 00
Nipissing	8,550 00
Manitoulin	3,200 00
Sudbury	32,700 00

Total Public Buildings.....		\$706,620 00
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PUBLIC WORKS.

To defray expenses of Public Works	\$198,750 00
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COLONIZATION AND MINING ROADS.

To defray expenses of Construction and Repairs	\$333,211 00
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CHARGES ON CROWN LANDS.

To defray expenses on account of Crown Lands	\$558,700 00
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REFUNDS.

Education	\$2,000 00	
Provincial Secretary's Department	5,000 00	
Crown Lands	18,500 00	
Municipalities Fund	243 32	
Land Improvement Fund	2,429 07	
Miscellaneous	10,000 00	
		\$38,172 39

MISCELLANEOUS EXPENDITURE.

To defray Miscellaneous Expenditure	\$271,175 30
Total Estimates for Expenditure of 1907	\$7,044,382 28

SCHEDULE "B."

Sum granted to His Majesty by this Act for the year one thousand nine hundred and seven, and the purposes for which it is granted:—

To defray the expenses of Legislation, Public Institutions' Maintenance, and for Salaries of the officers of the Government and Civil Service for the month of January, 1908....	\$250,000 00
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Total	\$7,294,382 28
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3rd Session, 11th Legislature,
7 Edward VII., 1907.

BILL.

An Act for granting His Majesty certain sums of money to defray the expenses of Civil Government for the year One Thousand Nine Hundred and seven and for other purposes therein mentioned.

First	Reading, 18th April, 1907.
Second	Reading, 18th April, 1907.
Third	Reading, 18th April, 1907.

Mr. MATHESON.

TORONTO:

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